

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST ET AL

VS.

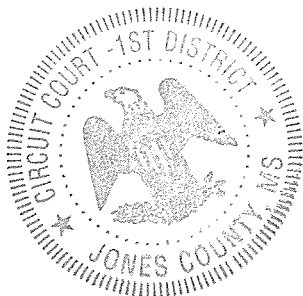
CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR CO., ET AL

CLERK'S CERTIFICATE TO RECORD

I, Bart Gavin, Clerk of the Circuit Court in and for the above named county and state, do hereby certify that the foregoing and attached is a true and correct copy of the record in the above styled and numbered cause and same appears on record now in file in this office in the City of Ellisville, of the First Judicial District of Jones County, Mississippi.

Witness my hand and seal of the County Court this the 7th day of August, 2013.



Bart Gavin, Circuit Clerk

By: Charlatta Holfield
Deputy Clerk

COVER SHEET		Court Identification Docket #		Case Year	Docket Number
Civil Case Filing Form (To be completed by Attorney/Party Prior to Filing of Pleading)		<div style="border: 1px solid black; padding: 2px; display: inline-block;">341</div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">C0</div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">2012</div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">22</div>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">CV9</div>
		<div style="border: 1px solid black; padding: 2px; display: inline-block;">091412</div>			
		County # Judicial District Court ID (CH, CI, CO)			
		Month Date Year			
Mississippi Supreme Court Form AOC/01 Administrative Office of Courts (Rev 2009)		This area to be completed by clerk			
In the CIRCUIT		Court of JONES	County — FIRST	Judicial District	
Origin of Suit (Place an "X" in one box only)					
<input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstated <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Other <input type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Appeal					
Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form					
Individual <u>WEST</u> Last Name <u>RAKIM</u> First Name _____ Maiden Name, if applicable _____ M.I. _____ Jr/Sr/III/IV _____ _____ Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____ _____ Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A or Agency _____					
Business _____ Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated _____ Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: _____ D/B/A _____					
Address of Plaintiff _____					
Attorney (Name & Address) <u>Crymes M. Pittman, Post Office Box 22985, Jackson, MS 39225-2985</u> MS Bar No. <u>99225</u> _____ Check (x) if Individual Filing Initial Pleading is NOT an attorney Signature of Individual Filing: <u>[Signature]</u>					
Defendant - Name of Defendant - Enter Additional Defendants on Separate Form					
Individual _____ Last Name _____ First Name _____ Maiden Name, if applicable _____ M.I. _____ Jr/Sr/III/IV _____ _____ Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____ Estate of _____ _____ Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____ D/B/A or Agency _____					
Business <u>FORD MOTOR COMPANY</u> Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated _____ Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: _____ D/B/A _____					
Attorney (Name & Address) - If Known _____ MS Bar No. _____					
Damages Sought: Compensatory \$ _____ Punitive \$ _____ Check (x) if child support is contemplated as an issue in this suit.* *If checked, please submit completed Child Support Information Sheet with this Cover Sheet					
Nature of Suit (Place an "X" in one box only)					
Domestic Relations <input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other _____	Business/Commercial <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other _____ Probate <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Other _____	Children/Minors - Non-Domestic <input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion Minor <input type="checkbox"/> Removal of Minority <input type="checkbox"/> Other _____ Civil Rights <input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other _____ Contract <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other _____ Statutes/Rules <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other _____	Real Property <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other _____ Torts <input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input checked="" type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Other _____		
Appeals <input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other _____					

IN THE CIRCUIT COURT OF JONES COUNTY, MISSISSIPPIFIRST JUDICIAL DISTRICT, CITY OF _____Docket No. 2012 - 22 CV9
File Yr Chronological No. Clerk's Local IDDocket No. If Filed
Prior to 1/1/94 _____DEFENDANTS IN REFERENCED CAUSE - Page 1 of ____ Defendants Pages
IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET

Defendant #2:

Individual: _____
Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV☒ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:Estate of DUSTIN L. WHITE, DECEASED☐ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated☐ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant #3:

Individual: _____
Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV☒ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:Estate of JASMINE RUSSELL, DECEASED☐ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated☐ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant #4:

Individual: _____
Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV☐ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

☐ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated☐ Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF JONES COUNTY, MISSISSIPPI**

**RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED**

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

**FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED**

DEFENDANTS

COMPLAINT

Plaintiff, Rakim West, individually and on behalf of the wrongful death beneficiaries of Adriana Batimon, deceased, files this his Complaint against Defendants Ford Motor Company, the Estate of Dustin L. White, Deceased, and the Estate of Jasmine Russell, Deceased, as follows:

1.

The Plaintiff is an adult resident citizen of Forrest County, Mississippi, and he brings this civil action on behalf of the wrongful death statutory beneficiaries of Adriana Batimon, deceased ("Batimon").

2.

The Defendant Ford Motor Company ("FMC"), is a non-resident corporation which may be served with process of this Court through its registered agent, CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

FILED

SEP 14 2012

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

3.

The Defendant Estate of Dustin L. White, deceased, ("White") is a resident Mississippi estate which may be served with process of this Court through the Administrator, Troy McFarland, 120 Shelby Speights Drive, Purvis, Mississippi.

4.

The Defendant Estate of Jasmine Russell, deceased, ("Russell") is a resident Mississippi estate which may be served with process of this Court through the Administratrix, Lenora Russell, 1351 Gates Road, Columbia, Mississippi.

5.

Jurisdiction and venue are proper in this Court as the accident which forms the basis for this claim occurred in the First Judicial District of Jones County, Mississippi, as set forth below.

6.

On or about September 18, 2009, Adriana Batimon was a passenger in a 2002 Ford F-150 truck driven by Jasmine Russell traveling west on Mississippi Highway 588 near the intersection of Sandhill Church Road in Jones County, Mississippi. At the same time, a vehicle driven by Dustin L. White, which was traveling in an easterly direction on Mississippi 588, crossed the center line and struck the vehicle in which Batimon was a passenger. Following the collision, Batimon's vehicle became engulfed in fire causing the untimely death of Batimon.

7.

The collision was caused and/or contributed to by the negligence of Dustin L. White, deceased, and all liability therefore, is assumed by the Estate of Dustin L. White, deceased, pursuant to Mississippi Code Annotated § 91-7-233. The collision was also caused and/or contributed to by

the negligence of Jasmine Russell, deceased, and all liability therefore, is assumed by the Estate of Jasmine Russell, deceased, pursuant to Mississippi Code Annotated § 91-7-233.

8.

The 2002 Ford F-150 ("Ford vehicle"), VIN 1FTRW07L52KC54283, driven by Russell and occupied by Batimon, was designed, manufactured, marketed, distributed, and sold by FMC.

9.

The Ford vehicle was at the time it was sold by FMC, a defective product, unreasonably dangerous for the use for which it was intended; and, therefore, FMC is strictly liable for the death of Adriana Batimon under the doctrine of strict liability in tort and pursuant to Miss. Code Ann § 11-1-63.

10.

FMC was negligent in the design, manufacture, distribution, and sale of the vehicle in question. In addition, FMC breached warranties, both expressed and implied.

11.

As a direct and proximate result of the negligence, strict liability, breach of warranties and other errors and omissions of the Defendants, Adriana Batimon was killed on September 18, 2009. Plaintiff is entitled to recover, on behalf of the wrongful death beneficiaries, all damages provided for by Mississippi Code Annotated §11-7-13, including damages for loss of enjoyment for life.

12.

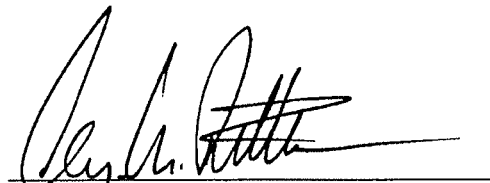
The conduct of FMC amounted to gross negligence which evidences a willful, wanton, or reckless disregard for the safety of others, including Adriana Batimon, such that Plaintiff is entitled to punitive damages of and from FMC pursuant to Mississippi Code Annotated §11-1-65.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Rakim West, individually and on behalf of the wrongful death beneficiaries of Adriana Batimon, deceased, files this his Complaint against Defendants Ford Motor Company, the Estate of Dustin L. White, deceased, and the Estate of Jasmine Russell, deceased, and demands judgment against the Defendants in the sum that will reasonably compensate the wrongful death statutory beneficiaries of Adriana Batimon for all of their injuries and damages. Plaintiff further demands punitive damages of and from Ford Motor Company in the amount sufficient to deter them from similar conduct in the future. Plaintiff demands pre-judgment and post-judgment interest, attorney's fee, and all costs of this Court.

Respectfully submitted,

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

BY:


CRYMES M. PITTMAN

OF COUNSEL:

ROBERT G. GERMANY, MSB #4800
CRYMES M. PITTMAN, MSB# 99225
PITTMAN, GERMANY, ROBERTS & WELSH, LLP
410 South President Street (39201)
Post Office Box 22985
Jackson, Mississippi 39225-2985
Telephone: (601) 948-6200
Facsimile: (601) 948-6187

OBY THOMAS ROGERS, MSB # 5647
Attorney at Law, PLLC
Post Office Box 700
Collins, Mississippi 39428-0700
Telephone: (601) 765-1000
Facsimile: (601) 765-1008

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

SUMMONS

You are Hereby Commanded to Summons:

FORD MOTOR COMPANY
c/o CT Corporation System, as registered agent
645 Lakeland East Drive, Suite 101
Flowood, MS 39232

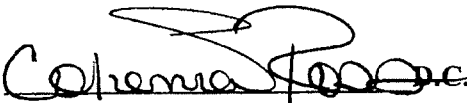
NOTICE TO DEFENDANT

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights by filing your Answer as provided by law and/or the Mississippi Rules of Civil Procedure.

This Answer must be filed as provided by law and/or the Mississippi Rules of Civil Procedure within 30 days of the date you are served or a Judgment by Default may be entered against you for the money or other things demanded in the Complaint.

DATED this the 14 day of September, 2012.

W. BART GAVIN, JR., CIRCUIT CLERK

BY: 

CRYMES M. PITTMAN, MSB # 99225
PITTMAN, GERMANY, ROBERTS & WELSH, L.L.P.
Post Office Box 22985
Jackson, Mississippi 39225-2985
Telephone: 601-948-6200

COPY

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

SUMMONS

You are Hereby Commanded to Summons:

THE ESTATE OF DUSTIN L. WHITE, DECEASED
c/o Troy McFarland, as Administrator
120 Shelby Speights Drive
Purvis, Mississippi

NOTICE TO DEFENDANT

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights by filing your Answer as provided by law and/or the Mississippi Rules of Civil Procedure.

This Answer must be filed as provided by law and/or the Mississippi Rules of Civil Procedure within 30 days of the date you are served or a Judgment by Default may be entered against you for the money or other things demanded in the Complaint.

DATED this the 14 day of September, 2012.

W. BART GAVIN, JR., CIRCUIT CLERK

BY: Coleman D.C.

CRYMES M. PITTMAN, MSB # 99225
PITTMAN, GERMANY, ROBERTS & WELSH, L.L.P.
Post Office Box 22985
Jackson, Mississippi 39225-2985
Telephone: 601-948-6200

COPY

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

SUMMONS

You are Hereby Commanded to Summons:

THE ESTATE OF JASMINE RUSSELL, DECEASED
c/o Lenora Russell, as Administratrix
1351 Gates Road
Columbia, Mississippi

NOTICE TO DEFENDANT

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights by filing your Answer as provided by law and/or the Mississippi Rules of Civil Procedure.

This Answer must be filed as provided by law and/or the Mississippi Rules of Civil Procedure within 30 days of the date you are served or a Judgment by Default may be entered against you for the money or other things demanded in the Complaint.

DATED this the 14 day of September, 2012.

W. BART GAVIN, JR., CIRCUIT CLERK

BY: Bohanna B. B. B.

CRYMES M. PITTMAN, MSB # 99225
PITTMAN, GERMANY, ROBERTS & WELSH, L.L.P.
Post Office Box 22985
Jackson, Mississippi 39225-2985
Telephone: 601-948-6200

COPY

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

ORDER GRANTING ADDITIONAL TIME TO SERVE SUMMONS AND COMPLAINT

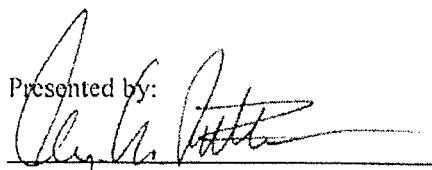
THIS DAY this cause came on for consideration of the Plaintiff's *ore tenus* Motion for Additional Time to Serve Summons and Complaint, and the Court having been advised in the premises, does hereby find that good cause exists for an extension of time and that the Motion is well taken and should, therefore, be GRANTED.

IT IS THEREFORE, ORDERED AND ADJUDGED that the Plaintiff shall have an additional 120 days to serve the Summons and Complaint on the Defendants and which shall be served on or before May 13, 2013.

THIS the 10th day of January, 2013.


CIRCUIT COURT JUDGE

Presented by:


CRYMES M. PITTMAN, MSB# 99225
PITTMAN, GERMANY, ROBERTS & WELSH, LLP
410 S. President St.
Jackson, MS 39201
Tel.: (601) 948-6200
Fax: (601) 948-6187
Email: cmp@pgrwlaw.com

MIN BK 44 PG 155
01/11/2013 02:47 PM
Bart Gavin
Circuit Clerk
Jones County, Mississippi

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF JONES COUNTY, MISSISSIPPI**

**RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED**

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

**FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED**

DEFENDANTS

FIRST AMENDED COMPLAINT

Plaintiff, Rakim West, individually and on behalf of the wrongful death beneficiaries of Adriana Batimon, deceased, files this his First Amended Complaint against Defendants Ford Motor Company, the Estate of Dustin L. White, Deceased, and the Estate of Jasmine Russell, Deceased, as follows:

1.

The Plaintiff is an adult resident citizen of Forrest County, Mississippi, and he brings this civil action on behalf of the wrongful death statutory beneficiaries of Adriana Batimon, deceased ("Batimon").

2.

The Defendant Ford Motor Company ("FMC"), is a non-resident corporation which may be served with process of this Court through its registered agent, CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

FILED

MAY 06 2013

**BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS**

3.

The Defendant Estate of Dustin L. White, deceased, ("White") is a resident Mississippi estate which may be served with process of this Court through the Administrator, Troy McFarland, 120 Shelby Speights Drive, Purvis, Mississippi.

4.

The Defendant Estate of Jasmine Russell, deceased, ("Russell") is a resident Mississippi estate which may be served with process of this Court through the Administratrix, Lenora Russell, 1351 Gates Road, Columbia, Mississippi.

5.

Jurisdiction and venue are proper in this Court as the accident which forms the basis for this claim occurred in the First Judicial District of Jones County, Mississippi, as set forth below.

6.

On or about September 18, 2009, Adriana Batimon was a passenger in a 2002 Ford F-150 truck driven by Jasmine Russell traveling west on Mississippi Highway 588 near the intersection of Sandhill Church Road in Jones County, Mississippi. At the same time, Dustin L. White was driving a 2007 Ford F-150 truck in an easterly direction on Mississippi 588 when he crossed the center line and struck the vehicle in which Batimon was a passenger. Following the collision, both vehicles became engulfed in fire causing the untimely death of Batimon.

7.

The collision was caused and/or contributed to by the negligence of Dustin L. White, deceased, and all liability therefore, is assumed by the Estate of Dustin L. White, deceased, pursuant

to Mississippi Code Annotated § 91-7-233. The collision was also caused and/or contributed to by the negligence of Jasmine Russell, deceased, and all liability therefore, is assumed by the Estate of Jasmine Russell, deceased, pursuant to Mississippi Code Annotated § 91-7-233.

8.

The 2002 Ford F-150, VIN 1FTRW07L52KC54283, driven by Russell and occupied by Batimon, and the 2007 Ford F-150, VIN 1FTRX12W97FA78172, driven by White, were designed, manufactured, marketed, distributed, and sold by FMC. These vehicles are collectively referred to herein as "Ford vehicles".

9.

The Ford vehicles were at the time they were sold by FMC, defective products, unreasonably dangerous for the use for which they were intended; and, therefore, FMC is strictly liable for the death of Adriana Batimon under the doctrine of strict liability in tort and pursuant to Miss. Code Ann § 11-1-63.

10.

FMC was negligent in the design, manufacture, distribution, and sale of the Ford vehicles. In addition, FMC breached warranties, both expressed and implied.

11.

As a direct and proximate result of the negligence, strict liability, breach of warranties and other errors and omissions of the Defendants, Adriana Batimon was killed on September 18, 2009. Plaintiff is entitled to recover, on behalf of the wrongful death beneficiaries, all damages provided for by Mississippi Code Annotated § 11-7-13, including damages for loss of enjoyment for life.

12.

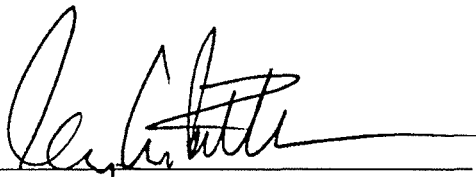
The conduct of FMC amounted to gross negligence which evidences a willful, wanton, or reckless disregard for the safety of others, including Adriana Batimon, such that Plaintiff is entitled to punitive damages of and from FMC pursuant to Mississippi Code Annotated §11-1-65.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Rakim West, individually and on behalf of the wrongful death beneficiaries of Adriana Batimon, deceased, files this his First Amended Complaint against Defendants Ford Motor Company, the Estate of Dustin L. White, deceased, and the Estate of Jasmine Russell, deceased, and demands judgment against the Defendants in the sum that will reasonably compensate the wrongful death statutory beneficiaries of Adriana Batimon for all of their injuries and damages. Plaintiff further demands punitive damages of and from Ford Motor Company in the amount sufficient to deter them from similar conduct in the future. Plaintiff demands pre-judgment and post-judgment interest, attorney's fee, and all costs of this Court.

Respectfully submitted,

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

BY:


CRYMES M. PITTMAN

OF COUNSEL:

ROBERT G. GERMANY, MSB #4800
CRYMES M. PITTMAN, MSB# 99225
PITTMAN, GERMANY, ROBERTS & WELSH, LLP
410 South President Street (39201)
Post Office Box 22985
Jackson, Mississippi 39225-2985
Telephone: (601) 948-6200
Facsimile: (601) 948-6187

OBY THOMAS ROGERS, MSB # 5647
Attorney at Law, PLLC
Post Office Box 700
Collins, Mississippi 39428-0700
Telephone: (601) 765-1000
Facsimile: (601) 765-1008

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

SUMMONS

You are Hereby Commanded to Summons:

FORD MOTOR COMPANY
c/o CT Corporation System, as registered agent
645 Lakeland East Drive, Suite 101
Flowood, MS 39232

NOTICE TO DEFENDANT

The First Amended Complaint which is attached to this Summons is important and you must take immediate action to protect your rights by filing your Answer as provided by law and/or the Mississippi Rules of Civil Procedure.

This Answer must be filed as provided by law and/or the Mississippi Rules of Civil Procedure within 30 days of the date you are served or a Judgment by Default may be entered against you for the money or other things demanded in the First Amended Complaint.

DATED this the 6 day of May, 2013.

W. BART GAVIN, JR., CIRCUIT CLERK

BY: 

CRYMES M. PITTMAN, MSB # 99225
PITTMAN, GERMANY, ROBERTS & WELSH, L.L.P.
Post Office Box 22985
Jackson, Mississippi 39225-2985
Telephone: 601-948-6200

COPY

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

SUMMONS

You are Hereby Commanded to Summons:

THE ESTATE OF DUSTIN L. WHITE, DECEASED
c/o Troy McFarland, as Administrator
120 Shelby Speights Drive
Purvis, Mississippi

NOTICE TO DEFENDANT

The First Amended Complaint which is attached to this Summons is important and you must take immediate action to protect your rights by filing your Answer as provided by law and/or the Mississippi Rules of Civil Procedure.

This Answer must be filed as provided by law and/or the Mississippi Rules of Civil Procedure within 30 days of the date you are served or a Judgment by Default may be entered against you for the money or other things demanded in the First Amended Complaint.

DATED this the 60 day of May, 2013.

W. BART GAVIN, JR., CIRCUIT CLERK

BY: Corynea [Signature] D.C.

CRYMES M. PITTMAN, MSB # 99225
PITTMAN, GERMANY, ROBERTS & WELSH, L.L.P.
Post Office Box 22985
Jackson, Mississippi 39225-2985
Telephone: 601-948-6200

COPY

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

SUMMONS

You are Hereby Commanded to Summons:

THE ESTATE OF JASMINE RUSSELL, DECEASED
c/o Lenora Russell, as Administratrix
1351 Gates Road
Columbia, Mississippi

NOTICE TO DEFENDANT

The First Amended Complaint which is attached to this Summons is important and you must take immediate action to protect your rights by filing your Answer as provided by law and/or the Mississippi Rules of Civil Procedure.

This Answer must be filed as provided by law and/or the Mississippi Rules of Civil Procedure within 30 days of the date you are served or a Judgment by Default may be entered against you for the money or other things demanded in the First Amended Complaint.

DATED this the 10 day of May, 2013.

W. BART GAVIN, JR., CIRCUIT CLERK

BY: 

CRYMES M. PITTMAN, MSB # 99225
PITTMAN, GERMANY, ROBERTS & WELSH, L.L.P.
Post Office Box 22985
Jackson, Mississippi 39225-2985
Telephone: 601-948-6200

COPY

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

SUMMONS

You are Hereby Commanded to Summons:

THE ESTATE OF DUSTIN L. WHITE, DECEASED
c/o Troy McFarland, as Administrator
120 Shelby Speights Drive
Purvis, Mississippi

NOTICE TO DEFENDANT

The First Amended Complaint which is attached to this Summons is important and you must take immediate action to protect your rights by filing your Answer as provided by law and/or the Mississippi Rules of Civil Procedure.

This Answer must be filed as provided by law and/or the Mississippi Rules of Civil Procedure within 30 days of the date you are served or a Judgment by Default may be entered against you for the money or other things demanded in the First Amended Complaint.

DATED this the 10 day of May, 2013.

W. BART GAVIN, JR., CIRCUIT CLERK

BY: Cohen b.c.

CRYMES M. PITTMAN, MSB # 99225
PITTMAN, GERMANY, ROBERTS & WELSH, L.L.P.
Post Office Box 22985
Jackson, Mississippi 39225-2985
Telephone: 601-948-6200

FILED

MAY 13 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

PROOF OF SERVICE - SUMMONS
(Process Server)

Troy McFarland
Name of Person or Entity Served

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class mail, postage prepaid) copies to the person served, together with copies of the form of notice and ACKNOWLEDGMENT and return envelope, postage prepaid addressed to the sender (Attach completed ACKNOWLEDGMENT of receipt pursuant to M.R.C.P. Form 1B).

X **PERSONAL SERVICE.** I personally delivered copies to Troy McFarland on the 06 day of May, 2013 where I found said person in Lamar county of the State of Mississippi. I served the summons and complaint on the day of , 20 , at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 20 , I mailed (by first class mail, postage pre-paid) copies to the person served at his or her usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or other evidence of actual delivery to the person served).

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \$

 UNABLE TO LOCATE. After diligent search, attempt has been made to locate the aforesaid person or entity and were not found.

Process server must list below: (Please print or type)

Name LON PEPPER Address 6036 Hwy 1B West
Telephone No. 601-972-5361 JACKSON, MS 39209

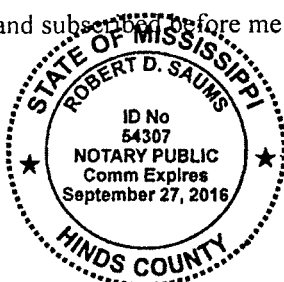
STATE OF MISSISSIPPI

COUNTY OF Hinds

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named LON PEPPER who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service - Summons" are true and correct as therein stated.

[Signature]
Process Server (Signature)

Sworn to and subscribed before me this the 07 day of MAY, 2013.



[Signature]
NOTARY PUBLIC

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

SUMMONS

You are Hereby Commanded to Summons:

THE ESTATE OF JASMINE RUSSELL, DECEASED
c/o Lenora Russell, as Administratrix
1351 Gates Road
Columbia, Mississippi

NOTICE TO DEFENDANT

The First Amended Complaint which is attached to this Summons is important and you must take immediate action to protect your rights by filing your Answer as provided by law and/or the Mississippi Rules of Civil Procedure.

This Answer must be filed as provided by law and/or the Mississippi Rules of Civil Procedure within 30 days of the date you are served or a Judgment by Default may be entered against you for the money or other things demanded in the First Amended Complaint.

DATED this the 16 day of May, 2013.

W. BART GAVIN, JR., CIRCUIT CLERK

BY:  D.C.

CRYMES M. PITTMAN, MSB # 99225
PITTMAN, GERMANY, ROBERTS & WELSH, L.L.P.
Post Office Box 22985
Jackson, Mississippi 39225-2985
Telephone: 601-948-6200

FILED

MAY 13 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

PROOF OF SERVICE - SUMMONS
(Process Server)

LENDRA RUSSELL

Name of Person or Entity Served

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class mail, postage prepaid) copies to the person served, together with copies of the form of notice and ACKNOWLEDGMENT and return envelope, postage prepaid addressed to the sender (Attach completed ACKNOWLEDGMENT of receipt pursuant to M.R.C.P. Form 1B).

 X **PERSONAL SERVICE.** I personally delivered copies to LENDRA RUSSELL on the 06 day of MAY, 2013 where I found said person in Madison county of the State of Mississippi. I served the summons and complaint on the day of , 20 , at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 20 , I mailed (by first class mail, postage pre-paid) copies to the person served at his or her usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or other evidence of actual delivery to the person served).

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \$

 UNABLE TO LOCATE. After diligent search, attempt has been made to locate the aforesaid person or entity and were not found.

Process server must list below: (Please print or type)

Name Lon Pepper Address 6036 Hwy 13 West
Telephone No. 601-926-5861 Jackson, MS 39209

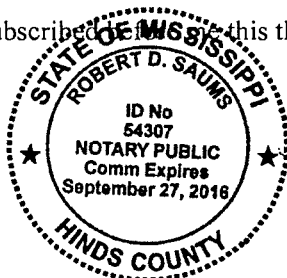
STATE OF MISSISSIPPI

COUNTY OF Hinds

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Lon Pepper who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service - Summons" are true and correct as therein stated.

[Signature]
Process Server (Signature)

Sworn to and subscribed to this the 07 day of May, 2013.



[Signature]
NOTARY PUBLIC

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

SUMMONS

You are Hereby Commanded to Summons:

FORD MOTOR COMPANY
c/o CT Corporation System, as registered agent
645 Lakeland East Drive, Suite 101
Flowood, MS 39232


NOTICE TO DEFENDANT

The First Amended Complaint which is attached to this Summons is important and you must take immediate action to protect your rights by filing your Answer as provided by law and/or the Mississippi Rules of Civil Procedure.

This Answer must be filed as provided by law and/or the Mississippi Rules of Civil Procedure within 30 days of the date you are served or a Judgment by Default may be entered against you for the money or other things demanded in the First Amended Complaint.

DATED this the 10 day of May, 2013.

W. BART GAVIN, JR., CIRCUIT CLERK

BY:  D.C.

CRYMES M. PITTMAN, MSB # 99225
PITTMAN, GERMANY, ROBERTS & WELSH, L.L.P.
Post Office Box 22985
Jackson, Mississippi 39225-2985
Telephone: 601-948-6200

FILED

MAY 13 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

PROOF OF SERVICE - SUMMONS

(Process Server)

Tommy Jones @ CT Corporation
 Name of Person or Entity Served

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class mail, postage prepaid) copies to the person served, together with copies of the form of notice and ACKNOWLEDGMENT and return envelope, postage prepaid addressed to the sender (Attach completed ACKNOWLEDGMENT of receipt pursuant to M.R.C.P. Form 1B).

X **PERSONAL SERVICE.** I personally delivered copies to Tommy Jones @ CT Corporation on the 8th day of May, 20 13 where I found said person in Rankin county of the State of Mississippi. I served the summons and complaint on the day of , 20 , at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 20 , I mailed (by first class mail, postage pre-paid) copies to the person served at his or her usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or other evidence of actual delivery to the person served).

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \$

 UNABLE TO LOCATE. After diligent search, attempt has been made to locate the aforesaid person or entity and were not found.

Process server must list below: (Please print or type)

Name Norris Duneon

Address 410 S. President St.

Telephone No. 601-948-6200

Jackson MS 39201

STATE OF MISSISSIPPI

COUNTY OF Hinds

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Norris Duneon who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service - Summons" are true and correct as therein stated.

Norris Duneon
 Process Server (Signature)

Sworn to and subscribed before me this the 8th day of May, 20 13.



Jennifer Meador
 NOTARY PUBLIC

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST ET AL

VS.

IVIL ACTION NO. 2012-22-CV9

FORD MOTOR CO., ET AL

CLERK'S CERTIFICATE TO RECORD

I, Bart Gavin, Clerk of the Circuit Court in and for the above named county and state, do hereby certify that the foregoing and attached is a true and correct copy of the record in the above styled and numbered cause and same appears on record now in file in this office in the City of Ellisville, of the First Judicial District of Jones County, Mississippi.

Witness my hand and seal of the County Court this the 20th day of May, 2013.



Bart Gavin, Circuit Clerk

By:

Charlotte Hallfield
Deputy Clerk

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

MOTION TO DISMISS

COMES NOW, Defendant, the Estate of Dustin L. White, deceased, by the duly appointed Administrator, Troy McFarland, Esquire through the undersigned counsel and reserving all defenses available, files this its Motion to Dismiss pursuant to Rule 12(b)(6) of the Mississippi Rules of Civil Procedure and in support thereof would show unto the Court as follows:

1.

This Defendant, by and through its duly appointed Administrator was served with the First Amended Complaint in this action which was filed on May 6, 2013 on or about May 6, 2013. Upon receiving this service of process, the Administrator contacted the parents of the decedent, and was advised that their insurer carrier had already settled this matter.

2.

Further investigation by the Administrator of the estate revealed that the wrongful death beneficiaries of Adriana Batimon, deceased, representative Plaintiff herein, were already represented by Patricia Bateman, mother of Adriana Batimon, deceased and that she had employed Attorney Thandi Wade to represent her and the wrongful death beneficiaries. A true and correct copy of the notice of representation letter of Tatum & Wade, PLLC dated September 29, 2009 is attached hereto as Exhibit A and incorporated herein by reference.

FILED

MAY 22 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

3.

Thereafter, the carrier received communication from the representative and attorney of Adriana Batimon, deceased advising of authority from the "family of Dustin L. White, deceased" to purchase the salvage on the 2007 Ford F150 automobile driven by Dustin L. White, deceased, on the date of the accident, September 18, 2009. A true and correct copy of correspondence from Tatum & Wade, PLLC dated November 2, 2009 is attached hereto as Exhibit B and incorporated herein by reference.

4.

Thereafter, the carrier provided proof to Mr. Thandi Wade, Tatum & Wade, PLLC as attorney for the Estates of Jasimine Russell, deceased and Adriana Batimon, deceased and to Mr. Larry Stamps, Stamps & Stamps, as attorney for Taylor Newsome (the other minor that did not die in the accident but was asserting a bodily injury claim) of the liability limits of the deceased and enclosing a certified copy of the declaration page of the liability policy showing per person limits of \$25,000.00 and total liability limits of \$50,000.00 per accident. An offer of this amount was made to them subject to an agreement as to the distribution of the liability limits in return for full and final release. This communication was initially made on November 11, 2009 with a follow up on March 11, 2010 and again on June 17, 2010. A true and correct copy of the June 17, 2010 correspondence is attached hereto as Exhibit C and incorporated herein by reference.

5.

Thereafter, the claim on behalf of Taylor Newsome was resolved for one-third of the total per accident liability limits (\$16,666.00) and a final release was signed.

6.

Additionally, the claims of the Estate of Jasmine Russell were presented to the Chancery Court, approved and settled for \$16,667.00 with attorney Thandi Wade as representative for the Estate of Jasmine Russell. The remaining one-third (\$16,667.00), previously offered to Thandi

Wade, Esquire, Tatum & Wade, PLLC, as attorneys and representative of Patricia Bateman, mother and representative of the wrongful death beneficiaries of Adriana Batimon, deceased was accepted by Mr. Thandi Wade, Esquire, Tatum & Wade, PLLC on behalf of Patricia Bateman for the benefit of all wrongful death beneficiaries of Adriana Batimon, deceased on Monday, January 14, 2013. A true and correct copy of the email dated January 14, 2013 and sent at 3:02 p.m. to Darron White, Senior Claims Representative, Mississippi Farm Bureau Insurance Company is attached hereto as Exhibit D and incorporated herein by reference.

7.

Thereafter, as evidenced in Exhibit D hereto, Mr. White advised Mr. Wade that the three (3) year statute of limitations had run on September 18, 2012. In response to this statement, Mr. Wade replied and provided a copy of the Complaint filed on behalf of the Estate of Adriana Batimon in the Circuit Court of the First Judicial District of Jones County, Mississippi styled *Patricia Bateman, as Personal Representative of Adriana Bateman, (sic) and on behalf of all Wrongful Death Beneficiaries v. Ford Motor Company and the Estate of Dustin Creel (sic)*, Cause No. 2012-24-CV filed September 14, 2012. A true and correct copy of the Complaint forwarded by counsel for the Estate of Adriana Batimon, Thandi Wade, Esquire, is attached hereto as Exhibit E and incorporated herein by reference.

8.

Thereafter, counsel for Patricia Bateman, on behalf of all wrongful death beneficiaries of Adriana Batimon, deceased, forwarded a letter to Mr. Darron White, Mississippi Farm Bureau Casualty Insurance Company stating that "I have been authorized to accept your offer of \$16,667.00 to resolve the above claim". Additionally, the letter advised that as a condition of settlement, the personal representative of the wrongful death beneficiaries of Adriana Batimon, deceased, "will voluntarily dismiss her Complaint filed on September 14, 2012". A true and correct copy of this letter is attached hereto as Exhibit F and incorporated herein by reference.

9.

Following receipt of this acceptance of the offer, Mississippi Farm Bureau Casualty Insurance Company employed the undersigned counsel, Zachary & Leggett, PLLC to get with counsel for the Estate of Adriana Batimon in order to prepare the appropriate pleadings to conclude settlement of the claims of Adriana Batimon and secure an appropriate release executed by Patricia Bateman, as mother and representative of all wrongful death beneficiaries of Adriana Batimon, deceased. A true and correct copy of the counsel's letter dated February 7, 2013 and forwarded to Thandi Wade, Esquire, Tatum and Wade, PLLC via email is attached hereto as Exhibit G and incorporated herein by reference.

10.

Prior to finalizing the Chancery Court approval of this settlement, the personal representative of the Estate of Dustin L. White, deceased, received service in the new action, not previously known to this Defendant. Accordingly, the present action styled *Rakim West, Individually and on behalf of the Wrongful Death Beneficiaries of Adriana Batimon, Deceased v. Ford Motor Company, The Estate of Dustin L. White, Deceased and The Estate of Jasmine Russell, Deceased*, Civil Action No. 2012-22-CV9 filed in the Circuit Court of the First Judicial District of Jones County, Mississippi, should be dismissed as to Defendant, the Estate of Dustin L. White, Deceased, in that all claims of the wrongful death beneficiaries of Adriana Batimon, Deceased, have previously been settled and are presently being prepared for presentment to the appropriate Chancery Court. The Plaintiff had a Summons issued for the original Complaint for the "Estate of Dustin L. White, deceased c/o Troy McFarland, as Administrator "on the 14th day of September, 2012 however, they never served him. A true and correct copy of this Summons is attached hereto as Exhibit H.

11.

The Administrator of the Estate of Dustin L. White, deceased, Defendant/Movant herein,

would show unto the Court that present Plaintiff's counsel of record has been well aware of his appointment as Administrator of the Estate of Dustin L. White, deceased however, has taken no steps whatsoever to notify the Administrator of the existence of this second lawsuit and has not served the same until Monday, May 6, 2013.

12.

The Administrator would show unto the Court that present co-counsel for the Plaintiff, Oby T. Rogers caused to be prepared and filed, a Petition for Appointment of Administrator and for issuance of Letters of Administration in the Chancery Court of Lamar County, Mississippi, Cause No. 2012-0106-PR-G on September 7, 2012. Thereafter, on the same date, an Order Authorizing Appointment of Administrator and Issuance of Letters of Administration was signed by the Honorable Deborah J. Gambrell, Chancellor requiring entry of the Oath and a \$100.00 bond for the Letters of Administration to be issued to the Administrator, Troy McFarland.

13.

Thereafter, the assistant of Oby T. Rogers, Attorney, traveled to the office of the Administrator, presented a prepared Oath for him to sign and a check for the required bond and Letters of Administration to be issued by the clerk. A true and correct copy of the Petition for Appointment of Administrator, Order on the same, Oath, a copy of the check issued on the Account of Oby T. Rogers, PLLC and a copy of the Letters of Administration are attached hereto as joint Exhibit I and incorporated herein by reference.

14.

According to the Chancery Court pleadings prepared by counsel for the Plaintiff, the Plaintiffs have been aware at least since September 7, 2012 that the Defendant, Estate of Dustin L. White, deceased has been established, set up and capable of being served with any lawsuit. However, for reasons unknown to the undersigned counsel or the Estate, rather than serve process in this matter, counsel for the Plaintiff chose to secure an Order granting an additional 120 days

to serve the Summons and Amended Complaint from this Honorable Court on January 10, 2013 and did not issue Summons in this matter for the Estate of Dustin L. White, deceased, c/o Troy McFarland, as Administrator until May 6, 2013, seven (7) days prior to the expiration of the additional 120 day extension of time for service pursuant to Rule 4(h) of the Mississippi Rules of Civil Procedure. A true and correct copy of the Order granting additional time signed by this Honorable Court as well as the Summons are attached hereto as Exhibits J and K respectively.

15.

Pursuant to the Mississippi's "Wrongful Death Statute" codified at §§ 11-7-13 of the Mississippi Code of 1972, as amended, there can only be "but one (1) suit for the same death which shall ensue for the benefit of all parties concerned,".

16.


Accordingly, since the previous suit filed in this Court bearing Cause No. 2012-24-CV9 has been settled by the representative of all of the wrongful death beneficiaries of Adriana Batimon, deceased, the present action should be dismissed as to this Defendant, the Estate of Dustin L. White, deceased.

WHEREFORE, PREMISES CONSIDERED, this Defendant, the Estate of Dustin L. White, deceased, by and through its duly appointed Administrator, Troy McFarland, Esquire and the undersigned counsel, respectfully request that the Court dismiss this Complaint with prejudice as to this Defendant and instead, direct Plaintiff to assert such statutory claims as may be available to the representative, Rakim West, in the previously settled action or assert such claims in the Chancery Court against Patricia Bateman, as representative of all of the statutory wrongful death beneficiaries of Adriana Batimon, deceased. This Defendant requests such other and further relief to which it may be entitled in the premises. Additionally, this Defendant hereby reserves by reference hereto, each and every affirmative defenses that may otherwise be available to it, including but not limited to all defenses available under Rules 4, 8(c), 11, 12(b) and 19 of the

Mississippi Rules of Civil Procedure as well as all other defenses, including equitable defenses as if the same were set forth herein in words and figures; and also statutory defenses, including but not limited to the applicable statutes of limitations bar.

Respectfully submitted on this, the 21st day of May, 2013.

BY:


PATRICK H. ZACHARY, for the Estate of Dustin
L. White, Deceased, Defendant

PATRICK H. ZACHARY (MSB #6674)
ZACHARY & LEGGETT, PLLC
211 SOUTH 29TH AVENUE
POST OFFICE BOX 15848
HATTIESBURG, MISSISSIPPI 39404-5848
TELEPHONE: 601-264-0300
FACSIMILE: 601-264-0311
EMAIL: pat@zandllaw.com
Attorney for Defendant Estate of Dustin L. White. Deceased

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have forwarded, by first class United States Mail, postage pre-paid, a true and correct copy of the above and foregoing Answer to the following:

Robert G. Germany, Esquire
Crymes M. Pittman, Esquire
PITTMAN, GERMANY, ROBERTS & WELSH, LLP
P.O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers, Esquire
Attorney at Law, PLLC
P.O. Box 700
Collins, MS 39428

Troy A. McFarland, Esquire
Attorney at Law
P.O. Box 415
Purvis, MS 39475

This the 21st day of May, 2013.



PATRICK H. ZACHARY

09/29/2009 11:30

6819481551

TATUMANDWADE

PAGE 01/01

TATUM & WADE, PLLC

ATTORNEYS AT LAW
124 EAST AMITE STREET
POST OFFICE BOX 22688
JACKSON, MISSISSIPPI 39225-2688
(601) 948-7770 • (601) 948-1551 FAX

www.tatumwade.com

JOE N. TATUM
jntatum@aol.com
THANDI WADE
twade12@aol.com

September 29, 2009

264-0330 Phone

OFFICE ADMINISTRATOR
MARGIE TATUM

LEGAL ASSISTANTS
ROSA R. SMITH
IRENE D. SQUIRE
MELBA KINCAIDE
TASHA E. JONES
LINDA TERRY

VIA FACSIMILE: (601) 264-0109**ATTN: CLAIMS DEPARTMENT**

Darren White
Mississippi Farm Bureau
3 WoodStone Plaza Dr.
Hattiesburg, MS 39402

Re: Our Client: Jasmine Russell (Decease) and Adrianna Batimon (Decease)
Your Insured: Alvin Creel
Date of Accident: September 18, 2009
Claim #: M0500026597

Dear Claims Dept:

Please be advised that our office has been retained to represent the above-referenced client. Therefore, all future communication should be directed to our office. Presently we are conducting an investigation into the above-referenced claim. Upon conclusion of the investigation, we will forward all relevant documentation to your attention.

You may contact my client directly concerning the property damage claim. However, please do not destroy the salvage as we need to inspect the same. Please send letter acknowledging our claim. I look forward to working with you on this claim. Thank you for your consideration.

Sincerely,


Thandi Wade

DEDICATED • COMMITMENT • JUSTICE

Received 29-Sep-2009 10:28am

From-6019481551

To-Hattiesburg Farm Bur

Page 001

EXHIBIT A

A

M0500026597
CORR

TATUM & WADE, PLLC

ATTORNEYS AT LAW
124 EAST AMITE STREET
POST OFFICE BOX 22688
JACKSON, MISSISSIPPI 39225-2688
(601) 948-7770 ♦ (601) 948-1551 FAX

JOEN. TATUM
jntatum@aol.com
THANDI WADE
twade42@aol.com

www.tatumwade.com

November 2, 2009

OFFICE ADMINISTRATOR
MARGIE TATUM

LEGAL ASSISTANTS
ROSA R. SMITH
IRENE B. SQUIRE
MELDA KINCAIDE
TASHA E. JONES
LINDA TERRY

264-0330 Phone

VIA FACSIMILE: (601) 264-0109

ATTN: CLAIMS DEPARTMENT

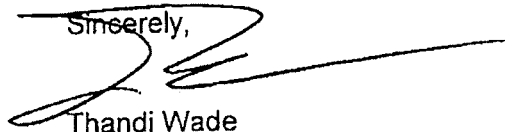
Darren White
Mississippi Farm Bureau
3 WoodStone Plaze Dr.
Hattiesburg, MS 39402

Re:	Our Client:	Jasmine Russell (Decease) and Adrianna Batimon (Decease)
	Your Insured:	Alvin Creel
	Date of Accident:	September 18, 2009
	Claim #:	M0500026597

Dear Claims Dept:

As we discussed, we have been authorized by the Creel family to purchase the salvage for the 2007 Ford F150- Vin # 1FTRX12W97FA78172. I understand the vehicle is now located at Insurance Auto Auction in Jackson. I have also attached a copy of our prior correspondence regarding this matter. Please contact me immediately so we discuss the purchase of this vehicle.

Sincerely,



Thandi Wade

JW 11/3/09

DEDICATED ♦ COMMITMENT ♦ JUSTICE

0

EXHIBIT 3

**MISSISSIPPI FARM BUREAU CASUALTY INSURANCE COMPANY
HATTIESBURG DISTRICT CLAIMS OFFICE**

3 Woodstone Plaza Drive • Hattiesburg, Mississippi 39402 • (601) 264-0330 • FAX (601) 264-0109

June 17, 2010

Mr. Thandi Wade
Tatum & Wade
Attorneys at Law
PO Box 22688
Jackson, MS 39225

Mr. Larry Stamps
Stamps & Stamps
Attorneys at Law
PO Box 2916
Jackson, MS 39207

Re: Claim No.: M0500026597
Insured: B. J. Creel
Your Clients: Jasmine Russell (deceased), Adrianna Batimon (deceased), and
Taylor Newsome
D/A: 9/18/2009

Dear Mr. Wade and Mr. Stamps:

Per my letters to you dated November 11, 2009, and March 11, 2010, Farm Bureau is willing to settle all three bodily injury claims with respect to your clients and/or their estates for the \$50,000.00 liability limit, pending an agreement as to the distribution of the liability limit, for full and final releases.

At your earliest convenience, please advise if you have reached an agreement as to the distribution of such limit so we can conclude this matter. I look forward to hearing from you.

If you have any questions, please contact me at the telephone number or the address above.

Sincerely yours,

Darron White
Senior Claims Representative
dwhite@sfbic.com

DW1416-625

cc: Mr. Stacy Crosby, District Claims Manager

C

EXHIBIT C

White, Darron

From: Thandi Wade <twade42@aol.com>
Sent: Tuesday, January 15, 2013 1:19 PM
To: White, Darron
Subject: Re: Adriana Batimon - Claim # M0500026597
Attachments: Batiman Complaint.pdf

Attached is a copy of the complaint filed prior to SOL. I look forward to speaking with you.

Thandi Wade, Esquire
Tatum and Wade, PLLC
P.O. Box 22688
Jackson, MS 39225
601 948 7770
601 948 1551 fax

-----Original Message-----

From: White, Darron <dwhite@sfbcc.com>
To: Thandi Wade <twade42@aol.com>
Sent: Tue, Jan 15, 2013 1:09 pm
Subject: RE: Adriana Batimon - Claim # M0500026597

Thanks for your email. Our records show that the 3 year statute ran on 9/18/12. If you have any information contrary to this or any additional information regarding this matter please advise.

Darron White
Senior Claims Representative
MS Farm Bureau
3 Woodstone Plaza Drive
Hattiesburg, MS 39402
601-264-0330
601-264-0109 fax

From: Thandi Wade [mailto:twade42@aol.com]
Sent: Monday, January 14, 2013 3:02 PM
To: White, Darron
Subject: Adriana Batimon - Claim # M0500026597

I have been authorized to accept your offer \$16,667.00 to resolve the above claim. The draft should be made payable to Patricia Bateman, and her attorney, Thandi Wade. Our tax id number is 640935412. As a condition of settlement Ms. Bateman will voluntarily dismiss her complaint filed on 9/14/12. I look forward to hearing from you soon.

Thandi Wade, Esquire
Tatum and Wade, PLLC
P.O. Box 22688
Jackson, MS 39225
601 948 7770
601 948 1551 fax

CONFIDENTIALITY NOTICE: The contents of this message, including any attachments, are confidential and are intended solely for the use of the person or entity to whom the message is addressed. If you are not the intended recipient of this message, please be advised that any disclosure, copying, dissemination, distribution, or taking any action

in reliance on the contents of this message, or using of the contents of this message in any manner is strictly prohibited. If you received this message in error, please notify the sender immediately by e-mail or telephone. Please also permanently delete all copies of the original message and any attached documentation. Thank you.

09/18/2012 09:16

601-8539

JONES CO CRKT CL

PAGE 01/05

IN THE CIRCUIT COURT OF JONES COUNTY
FIRST JUDICIAL DISTRICT

PATRICIA BATEMAN AS PERSONAL REPRESENTATIVE OF
ADRIANA BATEMAN, AND ON BEHALF OF ALL WRONGFUL
DEATH BENEFICIARIES

PLAINTIFFS

VS.

CASE NO.

2012-24-CV9

FORD MOTOR COMPANY AND ESTATE OF DUSTIN CREEL

DEFENDANT

COMPLAINT

COMES NOW, Plaintiff, by and through counsel, and files this, her Complaint:
against the Defendant as follows, to wit:

I.

Plaintiff is an adult resident of Columbia, Marion County Mississippi.

II.

Defendant, Ford Motor Company, is a corporation organized and existing under the
laws of the State of Delaware, licensed and doing business in the State of Mississippi, and
may be served with process of this Court by service upon its registered agent, C.T.
Corporation Systems, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.

III.

At the time of the subject incident, Dustin Creel, decedent, was a resident of
Sumrall, Lamar County Mississippi and his Estate may be served with process of this court
as prescribed by the Mississippi Rules of Civil Procedure.

IV.

Prior to September 18, 2009, Jasmine Russell purchased a 2010 Ford F-150
automobile, Vehicle Identification Number 1FTRW07L52KC54283, manufactured by the
Defendant, Ford.

FILED

SEP 14 2012

BART CAVIN
CIRCUIT CLERK

EXHIBIT E

09/18/2012 09:16 601-7-8539

JONES CO CRKT CL 1

PAGE 02/05

V.

At all times hereinafter mentioned, the Defendant, Ford, was engaged in the business of designing, manufacturing and placing on the market automobiles.

VI.

On or about September 18, 2009, Plaintiff, Adriana Bateman, was riding as a rear passenger in a 2000 Ford F-150 designed, manufactured and sold by the Defendant, Ford Motor Company, which was being operated by Jasmine Russell, in a westerly direction on and along Mississippi Highway 588 in Jones County, Mississippi. At the same time, Dustin Creel was traveling in an easterly direction when his vehicle crossed into Jasmine Russell's lane of traffic and the vehicles collided. As a result of the collision, both vehicles burst into flames and Adrian Bateman and Jasmine Russell died due to the fire caused by the collision.

VII.

Plaintiff would show unto the Court that said automobile was designed, manufactured and placed on the market by Defendant, Ford, sold by Defendant, Ford, in a defective and unreasonably dangerous condition. The Defendant, Ford, wrongfully negligently and improperly designed, manufactured and sold an automobile which was not reasonably safe for its foreseeable use. The Plaintiff charges that the design and manufacture of the 2000 Ford F-150 was generally unsafe and inadequate and specifically that it suffered a high propensity for fuel fed fires, and specifically that components of the fuel system were improperly, inadequately, negligently, and unsafely designed, manufactured, sold and installed and that the Defendant, Ford did not utilize reasonably safe components in the event the automobile was in a foreseeable maneuver such as in the instant case which was reasonably foreseeable. The defendant, Ford knew or should

09/18/2012 09:16

601 7-8539

JONES CD CRKT C 1

PAGE 03/05

have known, expected and foreseen all of the above which directly and proximately caused and contributed to the serious injuries and damages of the Plaintiff.

VII.

Defendant, Ford, has been engaged in the manufacture of motor vehicles designed and built for distribution and eventual retail sales of the public for many years. As a result of said experience, Defendant, Ford, knew or should have known that in the normal course of the operation of motor vehicles upon the roads and highways by the public in general, there will occasionally occur incidents such as the incident described above.

IX.

Plaintiff would state that having that knowledge, the Defendant, Ford, either foresaw, or with any reasonable prudence, should have foreseen the risk/hazard of such an accident and the Plaintiff would state on information and belief that the Defendant, Ford, did foresee and did, in fact, know that the vehicle had a high propensity for burning by fire after a collision and that the vehicle was unreasonably dangerous to the life and health of any occupant and that Ford was, therefore, guilty of negligence and gross negligence in so designing and manufacturing said vehicle and, through its distributors or dealers, offer it for sale to the public.

X.

The defendant, Ford, breached its duty owing to the Plaintiffs in the following particulars to-wit:

- a. It failed to design a vehicle that was crashworthy and was highly susceptible to burning by fire after a collision;
- b. It designed, manufactured and sold a vehicle that was not crashworthy so as to withstand a reasonably foreseeable crash;

09/18/2012 09:15

601-9539

JONES CD CRKT CL 1

PAGE 04/05

- c. When it designed, manufactured and sold a vehicle that would not withstand a reasonably foreseeable maneuver;
- d. When it failed to design and utilize feasible components and alternatives which would prevent and/or minimize a rollover, could withstand reasonably foreseeable maneuvers, and would function properly;
- e. When it failed properly to inspect and test the integrity of the vehicle;
- ~~f. When it failed to adequately warn buyers and users of the dangers of the~~
inherent dangers relating to the subject vehicle;
- g. When it failed to recall and retrofit this defective and unreasonably dangerous condition;

XI.

In addition to the aforesaid allegations, the Plaintiff would allege that Defendant is liable to the Plaintiff for breach of implied warranty of fitness and merchantability in that the defendant manufactured and sold the Ford F-150 and its components and impliedly and expressly warranted its fitness as vehicle by any user, including the Plaintiff. The Defendant knew or should have known that it was foreseeable and probable that the vehicle had a high propensity for burning by fire after a collision, and impliedly warranted that vehicle and its components were safe and would meet the reasonable expectations of the consumer. The Plaintiff relied on said vehicle being merchantable, fit and safe; however, said vehicle was unsafe, dangerous, unstable and unfit for the purposes for which it was intended or reasonably foreseeable to be used and failed to substantially conform to product representations and/or the reasonable expectations of purchasers, consumers or bystanders, and as a direct result of said breach of the express and implied warranties, the Plaintiff suffered the damages set forth herein.

09/18/2012 09:16

601-9539

JONES CO CRKT 1

PAGE 05/05

XII.

At all times complained of, there were economically feasible, technologically feasible and engineeringly feasible alternative measures and/or alternative designs known to the Defendant, Ford, including, but not limited to electronic stability control, which, had they been utilized, would have avoided or minimized the risk of the damage to the Plaintiff.

The aforementioned breaches of duty and negligence on the part of the Defendant, Ford, were the proximate cause of the Plaintiff being severely injured when the above-mentioned designed vehicle was involved in an accident.

XIII.

As a direct and proximate result of the negligence, breaches of warranty, and strict liability under MCA §11-1-63 of the Defendant, the Plaintiff, Patricia Bateman, is entitled to recover from the Defendant for all special and general damages, including, but not limited to special damages of medical and hospital expenses, loss of past and future wages based on her life expectancy and earning capacity, physical pain and suffering, mental and emotional distress and loss of enjoyment of life and disfigurement.

WHEREFORE, Plaintiff demands judgment of, from and against the Defendant in an amount to be determined by the jury, as well as punitive damages against the Defendant, Ford Motor Company, as the jury determines, together with all costs.

RESPECTFULLY SUBMITTED,
PATRICIA BATEMAN

BY:


JOANIE PERKINS POTTER

OF COUNSEL:
JOANIE PERKINS POTTER, MSB # 10290
POTTER LAW FIRM, PLLC
1909 ROBINSON STREET
JACKSON, MS 39209-6234
(601) 969-5882

01/14/2013 15:14

6019481551

TATUM AND WADE

PAGE 01/01

TATUM & WADE, PLLC

ATTORNEYS AT LAW
124 EAST AMITE STREET
POST OFFICE BOX 22688
JACKSON, MISSISSIPPI 39201 (39225-2688)
(601) 948-7770 ♦ (601) 948-1551 FAX

www.tatumwade.com

JOE N. TATUM
jntatum@aol.com

THANDI WADE
twade42@aol.com

TAUREAN D. BUCHANAN
taureanbuchanan@aol.com

January 14, 2013

LEGAL ASSISTANTS
ROSA R. SMITH
IRENE B. SQUIRE
MELDA KINCAIDE
TASHA E. JONES
LINDA GIPSON

VIA FAX (601) 264-0109
ATTN: CLAIMS CENTER

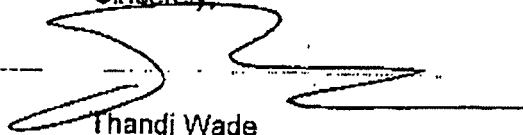
Darron White
Mississippi Farm Bureau Casualty
3 Woodstone Plaza Drive
Hattiesburg, MS 39402

Re: Our Clients: Adriana Batimon
Claim Number: M0500026597

Dear Darron:

I have been authorized to accept your offer \$16,667.00 to resolve the above claim. The draft should be made payable to Patricia Bateman, and her attorney, Thandi Wade. Our tax id number is 640935412. As a condition of settlement Ms. Bateman will voluntarily dismiss her complaint filed on 9/14/12. I look forward to hearing from you soon.

Sincerely,



Thandi Wade

DEDICATED ♦ COMMITMENT ♦ JUSTICE

EXHIBIT F

ZACHARY & LEGGETT, PLLC
ATTORNEYS AT LAW

PATRICK H. ZACHARY
VICKI R. LEGGETT

211 S. 29th Avenue, Suite 100
Hattiesburg, MS 39401

Telephone (601) 264-0300
Telecopier (601) 264-0311

MAILING ADDRESS:
Post Office Box 15848
Hattiesburg, MS 39404-5848

February 7, 2013

Via Email

Thandi Wade, Esquire
Tatum & Wade, PLLC
Attorneys at Law
P.O. Box 23688
Jackson, MS 39225

Re: *Patricia Bateman, as Personal Representative of Adriana Bateman, and on Behalf of All Wrongful Death Beneficiaries v. Ford Motor Company and Dustin Creel*; Jones County Circuit Court, First Judicial District; Cause No. 2012-24-CV9

Dear Thandi:

I have been requested by Mississippi Farm Bureau Casualty Insurance Company to prepare the necessary paperwork to dismiss the lawsuit filed against Ford Motor Credit and Dustin White, deceased (as to Dustin White only) and to prepare the appropriate documents to authorize settlement of the doubtful claim of the estate and wrongful death heirs of Adriana Bateman. If you have opened an estate on behalf of Adriana, please provide me with a copy of the appropriate pleadings so that I can prepare and file our petition in the estate proceeding.

Also, if you have already published notice to heirs and wrongful death beneficiaries I will need a copy of the proof of publication and of the Order adjudicating the same. If not, we will need to publish the appropriate notice and secure an Order so that we can make sure that the final release is binding.

I look forward to working with you in concluding this matter.

Very truly yours,

ZACHARY & LEGGETT, PLLC

/s/ Patrick H. Zachary

Patrick H. Zachary

PHZ/sd

cc: Joanie Perkins Potter, Esquire
Darron White, SCR
Claim No.: M0500026597

EXHIBIT G

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

SUMMONS

You are Hereby Commanded to Summons:

THE ESTATE OF DUSTIN L. WHITE, DECEASED
c/o Troy McFarland, as Administrator
120 Shelby Speights Drive
Purvis, Mississippi

NOTICE TO DEFENDANT

The Complaint which is attached to this Summons is important and you must take immediate action to protect your rights by filing your Answer as provided by law and/or the Mississippi Rules of Civil Procedure.

This Answer must be filed as provided by law and/or the Mississippi Rules of Civil Procedure within 30 days of the date you are served or a Judgment by Default may be entered against you for the money or other things demanded in the Complaint.

DATED this the 14 day of September, 2012.

W. BART GAVIN, JR., CIRCUIT CLERK

BY: Coleman D.C.

CRYMES M. PITTMAN, MSB # 99225
PITTMAN, GERMANY, ROBERTS & WELSH, L.L.P.
Post Office Box 22985
Jackson, Mississippi 39225-2985
Telephone: 601-948-6200

COPY
EXHIBIT H

IN THE CHANCERY COURT OF LAMAR COUNTY, MISSISSIPPI

**IN THE MATTER OF THE ESTATE OF
DUSTIN WHITE, DECEASED**

CAUSE NO. 2012-0106-PR-G

**PETITION FOR APPOINTMENT OF ADMINISTRATOR
AND FOR ISSUANCE OF LETTERS OF ADMINISTRATION**

COMES NOW, Oby T. Rogers, and respectfully petitions this Court for Appointment of Administration in the Estate of Dustin White, deceased, and would respectfully show unto the Court the following:

1.

On the 18th day of September, 2009, Dustin White departed this life in Jones County, Mississippi. At the time of his death, said decedent was 18 years old and maintained a fixed place of residence in Lamar County, Mississippi.

2.

On the date of death, the decedent left surviving his parents and two minor siblings, who are his sole and rightful heir at law.

3.

The decedent died without leaving a will, so far as your Petitioner knows, and left an estate consisting of no real property in the State of Mississippi and very little personal property.

4.

That undersigned counsel represents parties injured in the accident that took the life of Dustin White. It is necessary for an estate to be opened on behalf of Dustin White so that the estate can be named in a wrongful death action.

FILED
LAMAR COUNTY

SEP -7 2012

W
EXHIBIT I

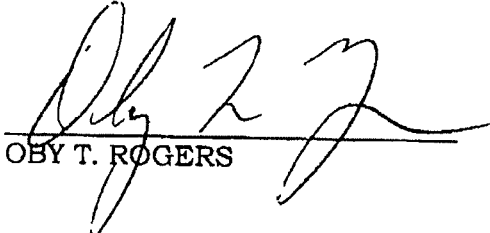
5.

That the Probate Administrator of Lamar County, Mississippi, should be appointed as Administrator of the Estate of Dustin White.

WHEREFORE, PREMESIS CONSIDERED, your Petitioner prays that Letters of Administration be issued to Troy McFarland upon his taking the oath prescribed by law. The Petitioner also prays that an inventory and appraisal of the assets of the estate be dispenses with as unnecessary unless the need therefore should later arise and be ordered by this Court.

And Petitioner prays that he be granted such other relief, either general or specific, or both, to which he may be further entitled.

Respectfully submitted,


OBY T. ROGERS

Oby T. Rogers, PLLC
Attorney at Law
311 Main Street
Post Office Box 700
Collins, Mississippi 39428
Telephone: (601) 765-1000
Facsimile: (601) 765-1008
MSB No. 5647

IN THE CHANCERY COURT OF LAMAR COUNTY, MISSISSIPPI

**IN THE MATTER OF THE ESTATE OF
DUSTIN WHITE, DECEASED**

CAUSE NO. 2012 - 006 PR.G

**ORDER AUTHORIZING APPOINTMENT OF ADMINISTRATOR
AND ISSUANCE OF LETTERS OF ADMINISTRATION**

THIS CAUSE came on this day to be heard on the Petition of Oby T. Rogers praying that this Court authorize the appointment of Administrator and issuance of letters of Administration upon the estate of Dustin White, deceased, the court having fully heard and considered the same and being fully advised in the premises finds as follows:

1.

On the 18th day of September, 2009, Dustin White departed this life in Jones County, Mississippi. At the time of his death, said decedent was 18 years old and maintained a fixed place of residence in Lamar County, Mississippi.

2.

On the date of death, the decedent left surviving his parents and two minor siblings, who are his sole and rightful heir at law.

3.

The decedent died without leaving a will, so far as your Petitioner knows, and left an estate consisting of no real property in the State of Mississippi and very little personal property.

4.

It is necessary for an estate to be opened on behalf of Dustin White.

FILED
LAMAR COUNTY

SEP -7 2012

BOOK

17 PAGE 0720

Whisper Smith
CHANCERY CLERK

5.

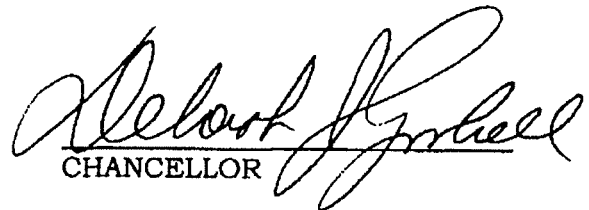
That the Probate Administrator of Lamar County, Mississippi, is hereby appointed as Administrator of the Estate of Dustin White.

6.

Bond is hereby set at \$ 100⁰⁰.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that Letters of Administration be issued to TROY MCFARLAND, upon his taking the oath prescribed by law, that bond be set at \$ 100⁰⁰, and that an inventory and appraisal of the assets of the estate be dispenses with as unnecessary unless the need therefore should later arise and be ordered by this Court.

SO ORDERED, ADJUDGED AND DECREED this the 7th day of September, 2012.


CHANCELLOR

Prepared By:

Oby T. Rogers, PLLC
Attorney at Law
Post Office Box 700
Collins, Mississippi 39428
Telephone: (601) 765-1000
Facsimile: (601) 765-1008
MSB No. 5647

IN THE CHANCERY COURT OF LAMAR COUNTY, MISSISSIPPI

**IN THE MATTER OF THE ESTATE OF
DUSTIN WHITE, DECEASED**

CAUSE NO. 2012-CIC-PR-G



OATH OF ADMINISTRATOR

I, TROY MCFARLAND, do swear that I as Administrator of the Estate of
Dustin White, will well and truly execute the same according to its tenor and
discharge the duties required by law.

So Help Me God.


TROY MCFARLAND,
Administrator

SWORN TO AND SUBSCRIBED BEFORE ME on this the 7th day of
September, 2012.


NOTARY PUBLIC

Debra Thornhill, DC



FILED
LAMAR COUNTY

SEP 10 2012

BOOK

24 PAGE 0682


CHANCERY CLERK

OBY T. ROGERS, PLLC.
OPERATING ACCOUNT
PO BOX 700
COLLINS, MS 39428

PRIORITYONE BANK
COLLINS, MS 39428

5091

85-230/653

9/7/2012

PAY TO THE
ORDER OF Lamar Co. Chancery Clerk

\$ **100.00

One Hundred and 00/100***** DOLLARS

Lamar Co. Chancery Clerk
Post Office Box 247
Purvis, MS 39475

MEMO

Administrator's bond-Estate of Dustin White (Batimo

Slaney Sanford
AUTHORIZED SIGNATURE

⑈005091⑈ ⑆065302303⑆ ⑈02 756 93⑈

2012-0106-PR-C-

FILED
LAMAR COUNTY

SEP 10 2012

W. Smith
CHANCERY CLERK

IN THE CHANCERY COURT OF LAMAR COUNTY, MISSISSIPPI

**IN THE MATTER OF THE ESTATE OF
DUSTIN WHITE, DECEASED**

CAUSE NO. 2012-0100 PR-G

LETTERS OF ADMINISTRATION

WHEREAS, Dustin White, deceased, late of said county, died intestate, as we are informed, having while he lived, and at the time of his death, divers goods, chattels and credits within this county and state; and I, desiring that the said goods, chattels and credits may be well and truly administered, do hereby grant unto Troy McFarland, full power to administer the said goods, chattels and credits of the said decedent; to ask, levy, recover and receive the same, and pay the debts in which the decease stood bound, so far as his effects will extend, according to their rate and order of the law, to make a true and perfect inventory or inventories of all the said goods, chattels and credits, which shall come to his hands, possession or knowledge, or into the hands and possession of any other person, or persons, for Dustin White, to return into our said court, when so required, a just and true account or accounts of his acting and proceedings therein; and in all things, according to law, to exert the rights and perform the duties of the trust hereby conferred.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed the seal of said Court of Lamar County, Mississippi.

ISSUED this the 10th day of September, 2012.

WAYNE SMITH, Chancery Clerk
Post Office Box 247
Purvis, Mississippi 39475



BY:

D.C.

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

ORDER GRANTING ADDITIONAL TIME TO SERVE SUMMONS AND COMPLAINT

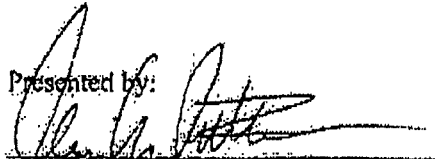
THIS DAY this cause came on for consideration of the Plaintiff's *ore tenus* Motion for Additional Time to Serve Summons and Complaint, and the Court having been advised in the premises, does hereby find that good cause exists for an extension of time and that the Motion is well taken and should, therefore, be GRANTED.

IT IS THEREFORE, ORDERED AND ADJUDGED that the Plaintiff shall have an additional 120 days to serve the Summons and Complaint on the Defendants and which shall be served on or before May 13, 2013.

THIS the 10th day of January, 2013.


CIRCUIT COURT JUDGE

Presented by:


CYMMES M. PITTMAN, MSB#: 99225
PITTMAN, GERMANY, ROBERTS & WELSH, LLP
410 S. President St.
Jackson, MS 39201
Tel.: (601) 948-6200
Fax: (601) 948-6187
Email: cmp@pgrwlaw.com.

HIN BK 44 PG 155
01/11/2013 02:47 PM
Bart Gavin
Circuit Clerk
Jones County, Mississippi

EXHIBIT J

ENTERED

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

SUMMONS

You are Hereby Commanded to Summons:

THE ESTATE OF DUSTIN L. WHITE, DECEASED
c/o Troy McFarland, as Administrator
120 Shelby Speights Drive
Purvis, Mississippi

NOTICE TO DEFENDANT

The First Amended Complaint which is attached to this Summons is important and you must take immediate action to protect your rights by filing your Answer as provided by law and/or the Mississippi Rules of Civil Procedure.

This Answer must be filed as provided by law and/or the Mississippi Rules of Civil Procedure within 30 days of the date you are served or a Judgment by Default may be entered against you for the money or other things demanded in the First Amended Complaint.

DATED this the 10 day of May, 2013.

W. BART GAVIN, JR., CIRCUIT CLERK

BY: Cohen S.C.

CRYMES M. PITTMAN, MSB # 99225
PITTMAN, GERMANY, ROBERTS & WELSH, L.L.P.
Post Office Box 22985
Jackson, Mississippi 39225-2985
Telephone: 601-948-6200

FILED

MAY 13 2013

EXHIBIT K

CI
JOI

PROOF OF SERVICE - SUMMONS
(Process Server)

Troy McFarland
Name of Person or Entity Served

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class mail, postage prepaid) copies to the person served, together with copies of the form of notice and ACKNOWLEDGMENT and return envelope, postage prepaid addressed to the sender (Attach completed ACKNOWLEDGMENT of receipt pursuant to M.R.C.P. Form 1B).

X **PERSONAL SERVICE.** I personally delivered copies to Troy McFarland on the 06 day of May, 2013 where I found said person in Lamar county of the State of Mississippi. I served the summons and complaint on the day of , 20 , at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 20 , I mailed (by first class mail, postage pre-paid) copies to the person served at his or her usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or other evidence of actual delivery to the person served).

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \$

 UNABLE TO LOCATE. After diligent search, attempt has been made to locate the aforesaid person or entity and were not found.

Process server must list below: (Please print or type)

Name Lon Pepper

Address 6036 Hwy 1B West

Telephone No. 601-972-5361

Tomball, MS 39209

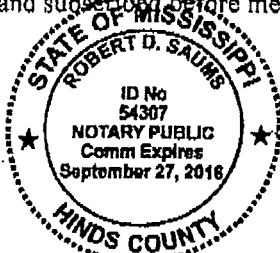
STATE OF MISSISSIPPI

COUNTY OF Hinds

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Lon Pepper who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service - Summons" are true and correct as therein stated.

Process Server (Signature)

Sworn to and subscribed before me this the 07 day of May, 2013.



NOTARY PUBLIC

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED


DEFENDANTS

NOTICE OF HEARING

COMES NOW, defendant, the Estate of Dustin L. White, deceased and submits this notice of hearing. Accordingly, defendant the Estate of Dustin L. White, deceased hereby notices for hearing its Motion to Dismiss for Monday, July 22, 2013, at 10:00 a.m., in the Jones County Courthouse, Second Judicial District, Laurel, Mississippi, before Honorable Billy Joe Landrum.

Respectfully submitted on this, the 22nd day of May, 2013.

BY:


PATRICK H. ZACHARY, for the Estate of Dustin
L. White, Deceased, Defendant

PATRICK H. ZACHARY (MSB #6674)
ZACHARY & LEGGETT, PLLC
211 SOUTH 29TH AVENUE
POST OFFICE BOX 15848
HATTIESBURG, MISSISSIPPI 39404-5848
TELEPHONE: 601-264-0300
FACSIMILE: 601-264-0311
EMAIL: pat@zandllaw.com

Attorney for Defendant Estate of Dustin L. White. Deceased

FILED

MAY 24 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have forwarded, by first class United States Mail, postage pre-paid, a true and correct copy of the above and foregoing Answer to the following:

Robert G. Germany, Esquire
Crymes M. Pittman, Esquire
PITTMAN, GERMANY, ROBERTS & WELSH, LLP
P.O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers, Esquire
Attorney at Law, PLLC
P.O. Box 700
Collins, MS 39428

Troy A. McFarland, Esquire
Attorney at Law
P.O. Box 415
Purvis, MS 39475

This the 22nd day of May, 2013.



PATRICK H. ZACHARY

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFFS

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

ANSWER, DEFENSES, AND AFFIRMATIVE DEFENSES
OF FORD MOTOR COMPANY

Ford Motor Company responds to the Complaint as follows:

FIRST DEFENSE

The claims in this litigation are barred by the statute of limitations.

SECOND DEFENSE

The Plaintiff does not have standing to bring any claims related to the 2007 Ford F-150 involved in the accident.

THIRD DEFENSE

The Complaint fails to state a claim upon which relief can be granted against Ford.

FOURTH DEFENSE

The damages alleged in this civil action were not reasonably foreseeable by Ford at the time of the alleged sale of the vehicles in question.

FILED

MAY 31 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

FIFTH DEFENSE

Ford is entitled to an allocation of fault, if any, in accordance with Miss. Code Ann. § 85-5-7.

SIXTH DEFENSE

Plaintiff's claims may be barred in whole or in part by the contributory negligence of the Plaintiff.

SEVENTH DEFENSE

The subject incident was caused by a superseding or intervening cause.

EIGHTH DEFENSE

Ford complied with all federal or state statutes or administrative regulations existing at the time the subject vehicles were manufactured.

NINTH DEFENSE

The subject vehicles were not in a defective or unreasonably dangerous condition at the time they left the control of Ford.

TENTH DEFENSE

At the time the subject vehicles were placed on the market they were manufactured in accordance with customary designs, methods, standards and techniques in manufacturing, inspecting and testing.

ELEVENTH DEFENSE

The subject vehicles were not defective or unreasonably dangerous at the time they left the control of Ford and any problems encountered by the Plaintiffs, with respect to the vehicles, were due to subsequent unforeseeable alterations, changes, improper maintenance or abnormal use of the vehicles.

TWELFTH DEFENSE

Ford relies on any and all defenses afforded it by Miss. Code Ann. § 11-1-63 *et seq.*

THIRTEENTH DEFENSE

The Plaintiffs were or reasonably should have been aware of the nature and use of the vehicles in question and of the facts which any warning would communicate and thus, by law, no warning was required. Furthermore, any warnings or instructions given to users of the vehicles in question were appropriate and adequate.

FOURTEENTH DEFENSE

The injuries or damages alleged in Plaintiff's Complaint were legally and proximately caused and arose out of a risk of which Plaintiff has knowledge and understanding and voluntarily assumed.

FIFTEENTH DEFENSE

Ford asserts the defenses of misuse and/or abnormal use of the vehicles and/or failure to follow proper instructions.

SIXTEENTH DEFENSE

The Complaint fails to state a claim for punitive damages upon which relief can be granted.

SEVENTEENTH DEFENSE

To the extent that the Complaint requests punitive damages, the criteria under Mississippi law for determining whether, and in what amount, punitive damages may be awarded are impermissibly vague, imprecise, and inconsistent. An award of punitive damages based upon those criteria would violate the due process provisions of the Fifth, Eighth, and Fourteenth Amendments of the United States Constitution, and Section Fourteen of the Mississippi Constitution.

EIGHTEENTH DEFENSE

Plaintiff's claims are barred as a result of negligent or intentional misuse, abuse, and/or improper maintenance of the subject vehicles, including, but not exclusively, operation of the vehicles in violation of warnings and instructions which accompanied the vehicles.

NINETEENTH DEFENSE

Plaintiff's warranty claims, if any, may be barred as a result of failure to give adequate notice as required under the Mississippi Uniform Commercial Code.

TWENTIETH DEFENSE

Plaintiff's claims of breach of implied warranty, if any, are negated due to the mileage and length of service of the vehicle.

TWENTY-FIRST DEFENSE

Plaintiff's claims may be barred by the doctrine of preemption and/or compliance with applicable Federal Motor Vehicle Safety Standards. Further, Plaintiff's claims, in whole or in part, may be barred, subsumed, and/or preempted by Federal and/or Mississippi statutory law.

TWENTY-SECOND DEFENSE

If the subject vehicles and their component parts are no longer available for Ford's inspection in their post-incident condition, these circumstances would possibly constitute spoliation of evidence. Ford, therefore, would be entitled to a judgment as a matter of law or, alternatively, an adverse inference instruction.

TWENTY-THIRD DEFENSE

The injuries alleged in the Complaint were not caused by a Ford product or any component part thereof.

TWENTY-FOURTH DEFENSE

Plaintiff's sole action for relief against Ford, if any, is found at Miss. Code Ann. § 11-1-

63.

TWENTY-FIFTH DEFENSE

Plaintiff's claims may be barred in whole or in part by the economic loss doctrine.

TWENTY-SIXTH DEFENSE

Ford reserves all affirmative defenses not specifically enumerated.

ANSWER

Ford responds to the allegations of the Complaint, paragraph by paragraph, as follows:

1. Denied for lack of information.
2. Admitted.
3. Denied for lack of information.
4. Denied for lack of information.
5. Denied for lack of information.
6. Denied.
7. The allegations of paragraph seven are not aimed at Ford, and therefore require no

response.

8. Ford admits that it designed and manufactured certain components of the vehicles.

All other allegations are denied

9. Denied.
10. Denied.
11. Denied.
12. Denied.
13. Ford denies the final, unnumbered paragraph beginning with "WHEREFORE"..

This the 30th day of May, 2013.

Respectfully submitted,

FORD MOTOR COMPANY

By Its Attorneys,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

By: 
D. STERLING KIDD

Walker W. Jones, III (MSB No. 3303)

Bradley W. Smith (MSB No. 9834)

D. Sterling Kidd (MSB No. 103670)

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC

MAILING: Post Office Box 14167

Jackson, Mississippi 39236-4167

PHYSICAL: 4268 I-55 North, Meadowbrook Office Park

Jackson, Mississippi 39211-6391

Telephone: (601) 351-2400

Telecopier: (601) 351-2424

CERTIFICATE OF SERVICE

I, D. Sterling Kidd, certify that I have this day served via United States Mail, postage prepaid, a true and correct copy of the foregoing Answer, Defenses, and Affirmative Defenses of Ford Motor Company to the following:

Robert G. Germany
Crymes M. Pittman
Pittman, Germany, Roberts & Welsh, LLP
410 South President Street (39201)
P. O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers
Attorney at Law, PLLC
P. O. Box 700
Collins, MS 39428-0700

COUNSEL FOR PLAINTIFF

This the 30th day of May, 2013.



D. STERLING KIDD

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED
And THE ESTATE OF JASMINE RUSSELL,
DECEASED

DEFENDANTS

NOTICE OF SERVICE OF DISCOVERY

TO: Robert G. Germany, Esquire
Crymes M. Pittman, Esquire
PITTMAN, GERMANY, ROBERTS & WELSH, LLP
P.O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers, Esquire
Attorney at Law, PLLC
P.O. Box 700
Collins, MS 39428

Patrick H. Zachary
Zachary & Leggett, PLLC
P. O. Box 15848
Hattiesburg, MS 39404-5848

Notice is hereby given, pursuant to Uniform Local Rule 6(e)(1), that Defendant, this date served in the above entitled action the following:

1. Defendant The Estate of Jasmine L. Russell, Deceased's First Set of Interrogatories to Plaintiff;
2. Defendant The Estate of Jasmine L. Russell, Deceased's First Set of Request for Production of Documents to Plaintiff; and

FILED

JUN 07 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

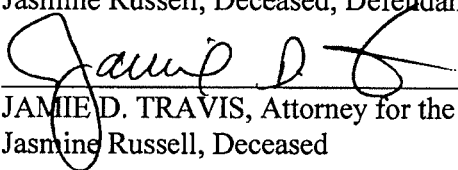
3. Defendant The Estate of Jasmine L. Russell, Deceased's First Set of Request for Admissions to Plaintiff.

The undersigned retains the original of the above papers as custodian thereof pursuant to Uniform Local Rule 6(e)(2).

RESPECTFULLY SUBMITTED this the 6th day of June, 2013.

LENORA RUSSELL, Administrator of the Estate of
Jasmine Russell, Deceased, Defendant

BY:


JAMIE D. TRAVIS, Attorney for the Estate of
Jasmine Russell, Deceased

OF COUNSEL:

JAMIE D. TRAVIS – BAR NO. 99692
PAGE, KRUGER & HOLLAND, P.A.
10 Canebrake Boulevard, Suite 200
Jackson, Mississippi 39232-2212
(Mailing Address)
Post Office Box 1163
Jackson, Mississippi 39215-1163
Phone: (601) 420-0333
Facsimile: (601) 420-0033

CERTIFICATE OF SERVICE

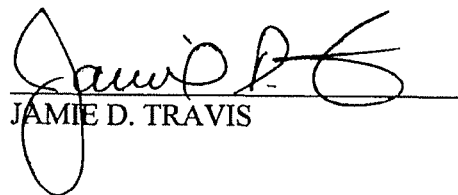
I, Jamie D. Travis, attorney for The Estate of Jasmine Russell, does hereby certify that I have this day mailed, via U. S. Mail, postage prepaid, a true and correct copy of the above and foregoing document to the following:

Robert G. Germany, Esquire
Crymes M. Pittman, Esquire
PITTMAN, GERMANY, ROBERTS & WELSH, LLP
P.O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers, Esquire
Attorney at Law, PLLC
P.O. Box 700
Collins, MS 39428

Patrick H. Zachary
Zachary & Leggett, PLLC
P. O. Box 15848
Hattiesburg, MS 39404-5848

THIS, the 6th day of June, 2013.


JAMIE D. TRAVIS

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED
And THE ESTATE OF JASMINE RUSSELL,
DECEASED

DEFENDANTS

MOTION TO DISMISS AND ANSWER AND AFFIRMATIVE DEFENSES

COMES NOW, Defendant, the Estate of Jasmine Russell, deceased, by and through the duly appointed Administratrix, Lenora Russell, and by and through undersigned counsel, pursuant to the Mississippi Rules of Civil Procedure and valid, binding and enforceable Mississippi case law and files this its Motion to Dismiss and Answer and Affirmative Defenses and in support thereof, would show unto the Court the following to wit:

MOTION TO DISMISS

FACTS

1.

This matter is before the Court on a Motion to Dismiss filed by Leona Russell, Administratrix of the Estate of Jasmine Russell, deceased, one of the Defendants in this action. The Amended Complaint in this matter seeks relief "for and on behalf of the wrongful death beneficiaries of Adriana Batimon, deceased...". Another Complaint before this Honorable Court styled "*Patricia Bateman as Personal Representative of Adriana Bateman (sic) and on behalf of all Wrongful Death Beneficiaries v. Ford Motor Company and the Estate of Dustin White*" (sic)

FILED

JUN 07 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

bearing Cause No. 2012-24-CV9 was also filed with this Court on September 14, 2012 and notice thereof provided to the carrier for Jasmine Russell, deceased and Dustin L. White, deceased.

2.

Both of these actions arise out of the same terrible automobile accident that occurred on September 18, 2009 on Highway 588 at or near the intersection of Sand Hill Church Road wherein a Ford pickup driven by Jasmine L. Russell (co-Defendant decedent in the present action) and occupied by Adriana K. Batimon (Plaintiff's decedent in both actions) and Taylor J. Newsome (passenger in the Jasmine L. Russell vehicle) while occupying its lawful lane of travel, was struck head on by a pickup truck driven by Dustin L. White, deceased. (whose estate is a co-defendant in both actions). As a result of this collision, Jasmine L. Russell, Adriana K. Batimon and Dustin L. White were all killed. Taylor J. Newsome was seriously injured in this accident. It was determined by several law enforcement agencies including the Mississippi Highway Patrol that Dustin L. White, deceased proximately caused the wreck by allowing his vehicle to enter the lane of travel occupied by the vehicle being operated by Jasmine L. Russell, thereby hitting the Russell vehicle head on. Jasmine L. Russell did not cause or contribute to the accident in any way.

3.

In accordance with § 11-7-13 of the Mississippi Code of 1972, as amended, the action for statutory wrongful death "may be brought in the name of the personal representative of the deceased person...for the benefit of all persons entitled under the law to recover...by the parent for the death of a child". Clearly, Patricia Bateman, as natural mother for Adriana Batimon, deceased, had the right to assert claims on behalf of her daughter for the benefit of all statutory

wrongful death beneficiaries. She asserted this authority and on September 29, 2009, when attorney Thandi Wade served notice on Co-Defendant, the Estate of Dustin White, deceased and Mississippi Farm Bureau Casualty Insurance Company of his representation. Likewise, she had this statutory authority when the suit was filed before this Honorable Court on September 14, 2012 in the action styled "*Patricia Bateman as Personal Representative of Adriana Bateman (sic) and on behalf of all Wrongful Death Beneficiaries v. Ford Motor Company and Estate of Dustin L. White, deceased (sic)*", Cause No. 2012-24-CV. That Complaint was provided to Darron White, Senior Claims Representative, Mississippi Farm Bureau Insurance Company by Thandi Wade, Esquire, Tatum & Wade, PLLC along with the letter of acceptance of the offer of the remaining one-third balance of the per accident liability limits of Dustin L. White, deceased. At that point, all claims that could be made on behalf of Adriana Batimon; her estate; and/or wrongful death beneficiaries were satisfied as a result of this horrible wreck. No other claims or lawsuits related to this wreck; herein parties; and/or carrier could be presented.

4.

§ 11-7-13 also provides that "there shall be but one (1) suit for the same death which shall ensue for the benefit of all parties concerned." The statutory language was discussed in detail in the case of *Long v. McKinney*, 897 So.2d 160, 168 (Miss. 2004).

5.

Since, pursuant to § 11-7-13 there can be but one action for the wrongful death "brought in the name of the personal representative of the deceased" and Patricia Bateman, being the mother of the decedent is authorized by statute to pursue such action, the Estate of Jasmine L. Russell, deceased, the Estate of Dustin L. White, deceased; and the liability carrier for this Defendant were warranted in relying upon her attorney's correspondence both by email and in

writing advising the carrier that "I have been authorized to accept your offer of \$16,667.00 to resolve the above claim and in turn...will voluntarily dismiss her Complaint filed on September 14, 2012". Cause No. 2012-24-CV9 has not yet been dismissed due to the fact that the appropriate Chancery Court approval of the settlement has not been had at this time. However, it is abundantly clear that counsel for the representative of the wrongful death beneficiaries of Adriana Batimon, namely Thandi Wade, Esquire, had the authority to bind his client as representative of all of the wrongful death beneficiaries. Mr. Wade had previously put the carrier on notice of such representation almost three (3) years prior to filing of the lawsuit and continued to communicate with the carrier thereafter. Mr. Wade sent another letter on November 2, 2009 advising that he had received authority from the "family of Dustin L. White, deceased" to purchase the salvage of the 2007 Ford F150 automobile driven by Dustin L. White, deceased on the day of the accident. There was also additional communication during November, 2009, March, 2010 and June, 2010.

6.

There are no claims remaining that can be asserted by the Estate of Adriana Batimon, through Rakim West as against the Estate of Jasmine L. Russell, deceased and the Estate of Dustin L. White, deceased. Those claims, as previously asserted by the personal representative of Adriana Batimon, Patricia Bateman, her mother have been settled and any claim of Rakim West as an alleged wrongful death beneficiary would lie as a claim in the Chancery Court and should be asserted at the time that the petition for approval of the same is presented and heard.

CONCLUSION

Patricia Bateman as mother of Adriana Batimon, deceased, clearly had the authority to represent her deceased daughter and did so for the benefit of all persons entitled under the law to

recover under Mississippi's wrongful death statute, as codified at § 11-7-13. Thandi Wade, Esquire, represented Patricia Bateman, mother of Adriana Batimon, deceased, in her capacity as personal representative and on behalf of all wrongful death beneficiaries of her deceased daughter. He so notified the carrier, the carrier extended an offer of settlement, the offer was accepted by him and subject to the Chancery Court approval, all of the claims of Adriana Batimon, deceased whether through survival action or through the wrongful death statute have been settled. Accordingly, there can be no claims that can be asserted in the present action against the Estate of Jasmine Russell, deceased and as such all claims against said Defendant should be dismissed.

ANSWER AND AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Amended Complaint fails to state a claim or cause of action against Defendant upon which relief in the form of compensatory damages may be granted and same should be dismissed with prejudice.

SECOND AFFIRMATIVE DEFENSE

Furthermore, and in the alternative, the Defendant specifically reserves and/or pleads any and all defenses and objections available to Defendant, affirmative and otherwise, including but not limited to any and all matters constituting an avoidance or affirmative matter set forth in Rule 8 and/or Rule 12, *Mississippi Rules of Civil Procedure*, statute of limitations, assumption of risk, comparative negligence, contributory negligence, laches, waiver, and/or any and all statutory defenses and/or limitations including but not limited to §85-5-7, *Miss. Code Ann.*, 2002 Laws, 3rd Ex. Sess., ch. 2, §4 and ch. 4, §3; §11-1-63, *Miss. Code Ann.*, 2002 Laws, 3rd Ex. Sess., ch. 4, §5; §11-1-64, *Miss. Code Ann.*, 2002 Laws, 3rd Ex. Sess., ch. 4, §4; §11-1-65, *Miss. Code Ann.*, 2002

Laws, 3rd Ex. Sess., ch. 4, §6; §11-1-69, *Miss. Code Ann.*, 2002 Laws, 3rd Ex. Sess., ch. 4, §10; §11-7-13, *Miss. Code Ann.*, 2002 Laws, 3rd Ex. Sess., ch. 4, §11; §11-11-3, *Miss. Code Ann.*, 2002 Laws, 3rd Ex. Sess., ch. 2, §1 and ch. 4, §1 and/or any other statutory immunity, limitation and/or defense applicable hereto; therefore, this Defendant is due to be dismissed from this action.

THIRD AFFIRMATIVE DEFENSE

Pursuant to MRCP 12(b)(7), 17 and 19, if the damages, or any part thereof, claimed by Plaintiff in the Amended Complaint have been paid or provided by any person, corporation or party, including insurer, workers' compensation carrier, employer, any health care provider, rehabilitative-related care provider or governmental entity, which holds any rights of subrogation, assignment, loan receipt or lienholder interest therefor as a result of such payment(s), then under MRCP. 12, 17 and 19, any and all such persons, corporations or parties whatever are real parties in interest herein, including for such subrogation, assignment, lien or otherwise, and must be joined as a party needed for just adjudication herein. If any such person, company or party exists, he or it should be joined by order of this Court either as Plaintiffs or involuntary Plaintiffs. Further, pursuant to said MRCP 12, 17 and 19, any such person, corporation or party whatsoever who has paid or provided all or any part of Plaintiff's claimed damages, and thereby holds subrogation rights, assignment rights, loan receipt, lienholder rights, or rights otherwise arising though Plaintiff's injuries, is a real party in interest herein pursuant to MRCP 17; and for such payment and interest, the damages claimed in this action to the extent of such rights must be brought in the name of the subrogee, assignee, loan receipt holder, lienholder or other party whatsoever holding such interest; and Plaintiff has no further interest or right of recovery thereto.

FOURTH AFFIRMATIVE DEFENSE

Defendant did not, by any act or omission, cause or contribute to Plaintiff's damages.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff failed to comply with Miss. R. Civ. P. 9(g) requiring that when items of special damages are claimed, then they shall be specifically stated. This matter should be stayed until Plaintiff fully complies with Rule 9. Alternatively, the Court should order Plaintiff to comply with Rule 9(g).

SIXTH AFFIRMATIVE DEFENSE

Defendant gives notice that it intends to rely upon such other affirmative defenses as may become available or apparent during the course of discovery and thus reserves the right to amend this answer to assert any such defenses.

SEVENTH AFFIRMATIVE DEFENSE

Defendant is entitled to any and all of the substantive and procedural limitations and protections afforded parties under Miss. Code Ann. § 85-5-7 and 11-1-65.

EIGHTH AFFIRMATIVE DEFENSE

If Plaintiff has made or does make settlement with any person or party whatsoever for all or any part of the damages claimed herein, then Defendant is entitled to full or other credit for the amount of such settlement for the damages otherwise recoverable against Defendant herein, with said settlement credit to be given in accord with the procedures, jurisprudence and statutes so provided.

NINTH AFFIRMATIVE DEFENSE

Any loss, damages, or injuries sustained by Plaintiff herein resulted solely and proximately from the acts and omissions of parties, entities or persons other than Defendant and from sources or causes other than those alleged against Defendant in the Amended Complaint and for whose acts or omissions Defendant is not liable.

TENTH AFFIRMATIVE DEFENSE

The Plaintiff's injuries and damages, if any, resulted in whole or in part from the acts or omissions of persons or entities other than this Defendant for which actions and omissions this Defendant is in no way liable.

ELEVENTH AFFIRMATIVE DEFENSE

This Defendant is not responsible for any pre-existing injuries, conditions or illnesses which may have been affecting the Plaintiff at the time of the accident complained of or those which are not causally related to this accident.

TWELFTH AFFIRMATIVE DEFENSE

Defendant denies each and every material allegation of the Amended Complaint by which Plaintiffs seek to impose liability upon it and denies any responsibility in the premises.

THIRTEENTH AFFIRMATIVE DEFENSE

This Defendant avers that it exercised the degree of care which a reasonably prudent person would have exercised in the same or similar circumstances and thus did not breach any applicable duty owed to the Plaintiffs.

FOURTEENTH AFFIRMATIVE DEFENSE

This Defendant hereby includes, alleges and incorporates each and every defense available to it as set forth in M.R.C.P. 12(b)(6)(1)-(7) and, on account thereof, demands that the action herein against it be dismissed.

FIFTEENTH AFFIRMATIVE DEFENSE

The Amended Complaint fails to join necessary parties and complete relief, if any, cannot be made because the proper parties have not been joined and improper parties have been joined.

SIXTEENTH AFFIRMATIVE DEFENSE--ANSWER

AND NOW, without waiving the right to be heard on the foregoing defenses, and especially asserting and preserving same, the Defendant responds to the allegations contained in the numbered paragraphs of the Plaintiff's Amended Complaint and answers the Amended Complaint paragraph by paragraph as follows:

1. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Plaintiff's Amended Complaint and, thereby, denies the same at this time.
2. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Plaintiff's Amended Complaint and, thereby, denies the same at this time.
3. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Plaintiff's Amended Complaint and, thereby, denies the same at this time.
4. This Defendant admits the allegations contained in Paragraph 4 of the Amended Complaint.

5. This Defendant admits the allegations contained in Paragraph 5 of the Amended Complaint.

6. This Defendant admits the allegations contained in Paragraph 6 of the Amended Complaint.

7. It is admitted that the negligence of Dustin L. White, deceased caused the herein accident. The remaining allegations of this paragraph are expressly denied. Especially as it alleges that Jasmine L. Russell, deceased caused and/or contributed to the herein accident occurring.

8. This Defendant admits the allegations contained in Paragraph 8 of the Amended Complaint.

9. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Plaintiff's Amended Complaint and, thereby, denies the same at this time.

10. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Plaintiff's Amended Complaint and, thereby, denies the same at this time.

11. This Defendant denies the allegations contained in Paragraph 11 of the Plaintiff's Amended Complaint.

12. The Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Plaintiff's Amended Complaint and, thereby, denies the same at this time.

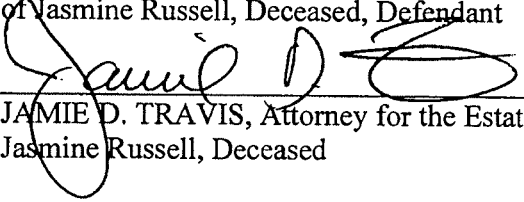
As to the last unnumbered paragraph beginning "WHEREFORE, PREMISES CONSIDERED", the Defendant denies the allegations of that paragraph and specifically denies that Plaintiffs are entitled to any relief whatsoever of and from this Defendant.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully requests that this Answer be received and deemed sufficient and that a Judgment be entered in its favor denying the relief requested by Plaintiff and dismissing this action with prejudice with costs being assessed against Plaintiff. The Defendant also prays for any general relief which the Court may deem appropriate in the premises.

RESPECTFULLY SUBMITTED this the 5th day of June, 2013.

LENORA RUSSELL, Administrator of the Estate
of Jasmine Russell, Deceased, Defendant

BY:


JAMIE D. TRAVIS, Attorney for the Estate of
Jasmine Russell, Deceased

OF COUNSEL:

JAMIE D. TRAVIS – BAR NO. 99692
PAGE, KRUGER & HOLLAND, P.A.
10 Canebrake Boulevard, Suite 200
Jackson, Mississippi 39232-2212
(Mailing Address)
Post Office Box 1163
Jackson, Mississippi 39215-1163
Phone: (601) 420-0333
Facsimile: (601) 420-0033

CERTIFICATE OF SERVICE

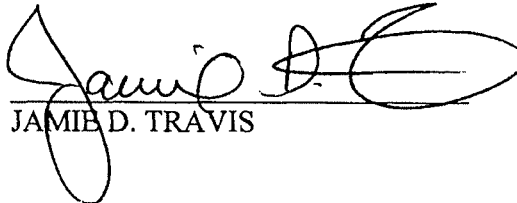
I, Jamie D. Travis, attorney for The Estate of Jasmine Russell, does hereby certify that I have this day mailed, via U. S. Mail, postage prepaid, a true and correct copy of the above and foregoing document to the following:

Robert G. Germany, Esquire
Crymes M. Pittman, Esquire
PITTMAN, GERMANY, ROBERTS & WELSH, LLP
P.O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers, Esquire
Attorney at Law, PLLC
P.O. Box 700
Collins, MS 39428

Patrick H. Zachary
Zachary & Leggett, PLLC
P. O. Box 15848
Hattiesburg, MS 39404-5848

THIS, the 5th day of June, 2013.


JAMIE D. TRAVIS

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

NOTICE OF SERVICE

PLEASE TAKE NOTICE that Defendant Ford Motor Company on this date served the following documents upon counsel for Plaintiff:

1. Defendant Ford Motor Company's First Set of Interrogatories Propounded to Plaintiff; and
2. Defendant Ford Motor Company's First Set of Requests for Production of Documents Propounded to Plaintiff

FURTHER NOTICE is hereby given that the original of each of these documents is being retained by counsel for Defendant Ford Motor Company.

THIS the 6th day of June, 2013.

FILED

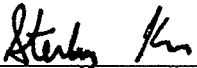
JUN 10 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

Respectfully submitted,

FORD MOTOR COMPANY

By Its Attorneys,
BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ, PC

By: 
D. STERLING KIDD
skidd@bakerdonelson.com

Walker W. Jones, III (MSB No. 3303)
Barry W. Ford (MSB No. 5403)
Brad W. Smith (MSB No. 9834)
D. Sterling Kidd (MSB No. 103670)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
MAILING: Post Office Box 14167
Jackson, Mississippi 39236-4167
PHYSICAL: 4268 I-55 North, Meadowbrook Office Park
Jackson, Mississippi 39211-6391
Telephone: (601) 351-2400
Telecopier: (601) 351-2424

CERTIFICATE OF SERVICE

I certify that I have this day forwarded via U.S. Mail, postage prepaid, a true and correct copy of the foregoing *Notice of Service* to the following:

Robert G. Germany
Crymes M. Pittman
Pittman, Germany, Roberts & Welsh, LLP
410 South President Street (39201)
P. O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers
Attorney at Law, PLLC
P. O. Box 700
Collins, MS 39428-0700

COUNSEL FOR PLAINTIFF

THIS the 6th day of June, 2013.



D. Sterling Kidd

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

DEFENDANTS

NOTICE OF SERVICE OF DISCOVERY RESPONSES

TO: ALL COUNSEL OF RECORD

Notice is hereby given, pursuant to local rule, that **Plaintiff, Rakim West, Individually and on behalf of the wrongful death beneficiaries of Adriana Batimon, deceased**, served in the above entitled action:

- (i) **Plaintiff's Responses to First Set of Requests for Admissions Propounded by the Defendant, The Estate of Jasmine Russell, Deceased.**

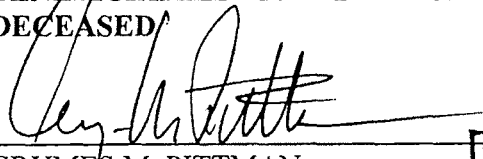
The undersigned retains the original of the above paper as custodian thereof pursuant to local rule.

DATED: June 10, 2013.

Respectfully submitted,

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

BY:


CRYMES M. PITTMAN

FILED

JUN 11 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

OF COUNSEL:

ROBERT G. GERMANY, MSB #4800
CRYMES M. PITTMAN, MSB# 99225
PITTMAN, GERMANY, ROBERTS & WELSH, LLP
Post Office Box 22985
Jackson, Mississippi 39225-2985
Telephone: (601) 948-6200
Facsimile: (601) 948-6187

OBY THOMAS ROGERS, MSB # 5647
Attorney at Law, PLLC
Post Office Box 700
Collins, Mississippi 39428-0700
Telephone: (601) 765-1000
Facsimile: (601) 765-1008

CERTIFICATE OF SERVICE


I, Crymes M. Pittman, one of the attorneys for the Plaintiff, hereby certify that I have this day served, via United States mail, a true and correct copy of the foregoing document to the following:

Jamie D. Travis, Esquire
PAGE, KRUGER & HOLLAND, P.A.
Post Office Box 1163
Jackson, MS 39215-1163
Attorneys for Defendant, The Estate of Jasmine Russell, Deceased

D. Sterling Kidd, Esquire
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
Post Office Box 14167
Jackson, MS 39236-4167
Attorneys for Defendant, Ford Motor Company

Patrick H. Zachary, Esquire
ZACHARY & LEGGETT, PLLC
Post Office Box 15848
Hattiesburg, MS 39404-5848
Attorneys for Defendant, The Estate of Dustin L. White, Deceased

THIS, the 10th day of June, 2013.


CRYMES M. PITTMAN

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

SUBPOENA DUCES TECUM

STATE OF MISSISSIPPI
COUNTY OF JONES

TO: Nancy Barnett
Jones County Coroner
415 N. 5th Avenue
Laurel, MS 39440

YOU ARE HEREBY COMMANDED to produce, **within ten (10) days of receipt of this subpoena**, to Sterling Kidd, Esq. at the law offices of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, 4268 I-55 North, Meadowbrook Office Park, Jackson, Mississippi, 39211, certified copies of the following documents:

Certified copies of any and all documents in the control, custody or possession of **Jones County Coroner** concerning **ADRIANA BATIMON (Date of Death: 09/18/09)**, including but not limited to, evidence submission forms or reports, investigative reports, exhibit lists, department reports, results of all laboratory tests, death certificate, blood tests, autopsy reports, coroner's reports, pathology reports, dispatch logs, photographs, videotapes or and any other data, records or documents maintained by your office concerning said person.

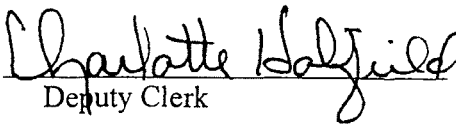
HEREIN, you shall not fail under penalty in such case provided and have there and then this writ.

Witness my signature and seal of office, this the 12th day of June, 2013.

COPY

(SEAL)

BART GAVIN, CLERK
JONES COUNTY, MISSISSIPPI

By: 
Deputy Clerk

Issued at the Request of:

Walker W. Jones, III (MSB No. 3303)
Barry W. Ford (MSB No. 5403)
Brad W. Smith (MSB No. 9834)
D. Sterling Kidd (MSB No. 103670)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
MAILING: Post Office Box 14167
Jackson, Mississippi 39236-4167
PHYSICAL: 4268 I-55 North, Meadowbrook Office Park
Jackson, Mississippi 39211-6391
Telephone: (601) 351-2400
Telecopier: (601) 351-2424

PROOF OF SERVICE

I, _____, the undersigned process server,
do hereby certify that I have this day served the above and foregoing *Subpoena Duces Tecum* on
_____, in the following manner: _____.

At the time of service, I was at least 18 years of age and not a party to this action.

This the _____ day of _____, 2013.

By: _____
Signature of Server

Address of Server:

Telephone No.:

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

SUBPOENA DUCES TECUM

STATE OF MISSISSIPPI
COUNTY OF JONES

TO: Nancy Barnett
Jones County Coroner
415 N. 5th Avenue
Laurel, MS 39440

YOU ARE HEREBY COMMANDED to produce, **within ten (10) days of receipt of this subpoena**, to Sterling Kidd, Esq. at the law offices of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, 4268 I-55 North, Meadowbrook Office Park, Jackson, Mississippi, 39211, certified copies of the following documents:

Certified copies of any and all documents in the control, custody or possession of **Jones County Coroner** concerning **DUSTIN L. WHITE (Date of Death: 09/18/09)**, including but not limited to, evidence submission forms or reports, investigative reports, exhibit lists, department reports, results of all laboratory tests, death certificate, blood tests, autopsy reports, coroner's reports, pathology reports, dispatch logs, photographs, videotapes or and any other data, records or documents maintained by your office concerning said person.

HEREIN, you shall not fail under penalty in such case provided and have there and then this writ.

Witness my signature and seal of office, this the 12th day of June, 2013.

COPY

(SEAL)

BART GAVIN, CLERK
JONES COUNTY, MISSISSIPPI

By: 
Deputy Clerk

Issued at the Request of:

Walker W. Jones, III (MSB No. 3303)
Barry W. Ford (MSB No. 5403)
Brad W. Smith (MSB No. 9834)
D. Sterling Kidd (MSB No. 103670)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
MAILING: Post Office Box 14167
Jackson, Mississippi 39236-4167
PHYSICAL: 4268 I-55 North, Meadowbrook Office Park
Jackson, Mississippi 39211-6391
Telephone: (601) 351-2400
Telecopier: (601) 351-2424

PROOF OF SERVICE

I, _____, the undersigned process server,
do hereby certify that I have this day served the above and foregoing *Subpoena Duces Tecum* on
_____, in the following manner: _____.

At the time of service, I was at least 18 years of age and not a party to this action.

This the ____ day of _____, 2013.

By: _____
Signature of Server

Address of Server:

Telephone No.:

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

SUBPOENA DUCES TECUM

STATE OF MISSISSIPPI
COUNTY OF JONES

TO: Nancy Barnett
Jones County Coroner
415 N. 5th Avenue
Laurel, MS 39440

YOU ARE HEREBY COMMANDED to produce, **within ten (10) days of receipt of this subpoena**, to Sterling Kidd, Esq. at the law offices of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, 4268 I-55 North, Meadowbrook Office Park, Jackson, Mississippi, 39211, certified copies of the following documents:

Certified copies of any and all documents in the control, custody or possession of **Jones County Coroner** concerning **JASMINE L. RUSSELL (Date of Death: 09/18/09)**, including but not limited to, evidence submission forms or reports, investigative reports, exhibit lists, department reports, results of all laboratory tests, death certificate, blood tests, autopsy reports, coroner's reports, pathology reports, dispatch logs, photographs, videotapes or and any other data, records or documents maintained by your office concerning said person.

HEREIN, you shall not fail under penalty in such case provided and have there and then this writ.

Witness my signature and seal of office, this the 12th day of June, 2013.

COPY

(SEAL)

BART GAVIN, CLERK
JONES COUNTY, MISSISSIPPI

By: Charlotte Hargraves
Deputy Clerk

Issued at the Request of:

Walker W. Jones, III (MSB No. 3303)
Barry W. Ford (MSB No. 5403)
Brad W. Smith (MSB No. 9834)
D. Sterling Kidd (MSB No. 103670)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
MAILING: Post Office Box 14167
Jackson, Mississippi 39236-4167
PHYSICAL: 4268 I-55 North, Meadowbrook Office Park
Jackson, Mississippi 39211-6391
Telephone: (601) 351-2400
Telecopier: (601) 351-2424

PROOF OF SERVICE

I, _____, the undersigned process server,
do hereby certify that I have this day served the above and foregoing *Subpoena Duces Tecum* on
_____, in the following manner: _____.

At the time of service, I was at least 18 years of age and not a party to this action.

This the _____ day of _____, 2013.

By: _____
Signature of Server

Address of Server:

Telephone No.:

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

NOTICE OF SERVICE

PLEASE TAKE NOTICE that Defendant Ford Motor Company on this date served the following documents upon counsel for Plaintiff:

1. Defendant Ford Motor Company's Second Set of Interrogatories Propounded to Plaintiff; and
2. Defendant Ford Motor Company's Second Set of Requests for Production of Documents Propounded to Plaintiff

FURTHER NOTICE is hereby given that the original of each of these documents is being retained by counsel for Defendant Ford Motor Company.

THIS the 20th day of June, 2013.

FILED

JUN 20 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

Respectfully submitted,

FORD MOTOR COMPANY

By Its Attorneys,
BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ, PC

By: _____

D. STERLING KIDD

skidd@bakerdonelson.com

Walker W. Jones, III (MSB No. 3303)
Barry W. Ford (MSB No. 5403)
Brad W. Smith (MSB No. 9834)
D. Sterling Kidd (MSB No. 103670)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
MAILING: Post Office Box 14167
Jackson, Mississippi 39236-4167
PHYSICAL: 4268 I-55 North, Meadowbrook Office Park
Jackson, Mississippi 39211-6391
Telephone: (601) 351-2400
Telecopier: (601) 351-2424

CERTIFICATE OF SERVICE

I certify that I have this day forwarded via U.S. Mail, postage prepaid, a true and correct copy of the foregoing *Notice of Service* to the following:

Robert G. Germany
Crymes M. Pittman
Pittman, Germany, Roberts & Welsh, LLP
410 South President Street (39201)
P. O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers
Attorney at Law, PLLC
P. O. Box 700
Collins, MS 39428-0700

COUNSEL FOR PLAINTIFF

THIS the 20th day of June, 2013.



D. Sterling Kidd

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

SUBPOENA DUCES TECUM

STATE OF MISSISSIPPI
COUNTY OF JONES

TO: Nancy Barnett
Jones County Coroner
415 N. 5th Avenue
Laurel, MS 39440

YOU ARE HEREBY COMMANDED to produce, **within ten (10) days of receipt of this subpoena**, to Sterling Kidd, Esq. at the law offices of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, 4268 I-55 North, Meadowbrook Office Park, Jackson, Mississippi, 39211, certified copies of the following documents:

Certified copies of any and all documents in the control, custody or possession of **Jones County Coroner** concerning **ADRIANA BATIMON (Date of Death: 09/18/09)**, including but not limited to, evidence submission forms or reports, investigative reports, exhibit lists, department reports, results of all laboratory tests, death certificate, blood tests, autopsy reports, coroner's reports, pathology reports, dispatch logs, photographs, videotapes or and any other data, records or documents maintained by your office concerning said person.

HEREIN, you shall not fail under penalty in such case provided and have there and then this writ.

Witness my signature and seal of office, this the 12th day of June, 2013.

FILED

JUN 26 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

(SEAL)

BART GAVIN, CLERK
JONES COUNTY, MISSISSIPPI

By: Charlatte Hobzile
Deputy Clerk

Issued at the Request of:

Walker W. Jones, III (MSB No. 3303)
Barry W. Ford (MSB No. 5403)
Brad W. Smith (MSB No. 9834)
D. Sterling Kidd (MSB No. 103670)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
MAILING: Post Office Box 14167
Jackson, Mississippi 39236-4167
PHYSICAL: 4268 I-55 North, Meadowbrook Office Park
Jackson, Mississippi 39211-6391
Telephone: (601) 351-2400
Telecopier: (601) 351-2424

PROOF OF SERVICE

I, Michael Shoemaker, the undersigned process server,
do hereby certify that I have this day served the above and foregoing *Subpoena Duces Tecum* on
Nancy Barnett, in the following manner: personally.

At the time of service, I was at least 18 years of age and not a party to this action.

This the 12th day of June, 2013.

By: Michael Shoemaker
Signature of Server

Address of Server:

986 Madison Ave.
Madison, MS

Telephone No.:

661-573-4749

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

SUBPOENA DUCES TECUM

STATE OF MISSISSIPPI
COUNTY OF JONES

TO: Nancy Barnett
Jones County Coroner
415 N. 5th Avenue
Laurel, MS 39440

YOU ARE HEREBY COMMANDED to produce, **within ten (10) days of receipt of this subpoena**, to Sterling Kidd, Esq. at the law offices of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, 4268 I-55 North, Meadowbrook Office Park, Jackson, Mississippi, 39211, certified copies of the following documents:

Certified copies of any and all documents in the control, custody or possession of **Jones County Coroner** concerning **JASMINE L. RUSSELL (Date of Death: 09/18/09)**, including but not limited to, evidence submission forms or reports, investigative reports, exhibit lists, department reports, results of all laboratory tests, death certificate, blood tests, autopsy reports, coroner's reports, pathology reports, dispatch logs, photographs, videotapes or and any other data, records or documents maintained by your office concerning said person.

HEREIN, you shall not fail under penalty in such case provided and have there and then this writ.

Witness my signature and seal of office, this the 12th day of June, 2013.

FILED

JUN 26 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

(SEAL)

BART GAVIN, CLERK
JONES COUNTY, MISSISSIPPI

By: Charlotte Halford
Deputy Clerk

Issued at the Request of:

Walker W. Jones, III (MSB No. 3303)
Barry W. Ford (MSB No. 5403)
Brad W. Smith (MSB No. 9834)
D. Sterling Kidd (MSB No. 103670)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
MAILING: Post Office Box 14167
Jackson, Mississippi 39236-4167
PHYSICAL: 4268 I-55 North, Meadowbrook Office Park
Jackson, Mississippi 39211-6391
Telephone: (601) 351-2400
Telecopier: (601) 351-2424

PROOF OF SERVICE

I, Michael Shoemaker, the undersigned process server,
do hereby certify that I have this day served the above and foregoing *Subpoena Duces Tecum* on
Nancy Brunett, in the following manner: personally.

At the time of service, I was at least 18 years of age and not a party to this action.

This the 12th day of June, 2013.

By: Michael Shoemaker
Signature of Server

Address of Server:
986 Madison Ave,
Madison, MS

Telephone No.:
401-573-4749

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

SUBPOENA DUCES TECUM

STATE OF MISSISSIPPI
COUNTY OF JONES

TO: Nancy Barnett
Jones County Coroner
415 N. 5th Avenue
Laurel, MS 39440

YOU ARE HEREBY COMMANDED to produce, **within ten (10) days of receipt of this subpoena**, to Sterling Kidd, Esq. at the law offices of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, 4268 I-55 North, Meadowbrook Office Park, Jackson, Mississippi, 39211, certified copies of the following documents:

Certified copies of any and all documents in the control, custody or possession of **Jones County Coroner** concerning **DUSTIN L. WHITE (Date of Death: 09/18/09)**, including but not limited to, evidence submission forms or reports, investigative reports, exhibit lists, department reports, results of all laboratory tests, death certificate, blood tests, autopsy reports, coroner's reports, pathology reports, dispatch logs, photographs, videotapes or and any other data, records or documents maintained by your office concerning said person.

HEREIN, you shall not fail under penalty in such case provided and have there and then this writ.

Witness my signature and seal of office, this the 12th day of June, 2013.

FILED

JUN 26 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

(SEAL)

BART GAVIN, CLERK
JONES COUNTY, MISSISSIPPI

By: Charlotte Hagfield
Deputy Clerk

Issued at the Request of:

Walker W. Jones, III (MSB No. 3303)
Barry W. Ford (MSB No. 5403)
Brad W. Smith (MSB No. 9834)
D. Sterling Kidd (MSB No. 103670)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
MAILING: Post Office Box 14167
Jackson, Mississippi 39236-4167
PHYSICAL: 4268 I-55 North, Meadowbrook Office Park
Jackson, Mississippi 39211-6391
Telephone: (601) 351-2400
Telecopier: (601) 351-2424

PROOF OF SERVICE

I, Michael Shremaker, the undersigned process server,
do hereby certify that I have this day served the above and foregoing *Subpoena Duces Tecum* on
Nancy Barnett, in the following manner: personally.

At the time of service, I was at least 18 years of age and not a party to this action.

This the 12th day of June, 2013.

By: Michael Shremaker
Signature of Server

Address of Server:

986 Madison Ave.
Madison, MS

Telephone No.:

601-573-4749

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED


DEFENDANTS

NOTICE OF HEARING

COMES NOW, defendant, the Estate of Dustin L. White, deceased and submits this notice of hearing. Accordingly, defendant the Estate of Dustin L. White, deceased hereby notices for hearing its Motion to Dismiss for Monday, July 29, 2013, at 10:00 a.m., in the Jones County Courthouse, Second Judicial District, Laurel, Mississippi, before Honorable Billy Joe Landrum.

Respectfully submitted on this, the 21st day of July, 2013.

BY:


PATRICK H. ZACHARY, for the Estate of Dustin
L. White, Deceased, Defendant

PATRICK H. ZACHARY (MSB #6674)
ZACHARY & LEGGETT, PLLC
211 SOUTH 29TH AVENUE
POST OFFICE BOX 15848
HATTIESBURG, MISSISSIPPI 39404-5848
TELEPHONE: 601-264-0300
FACSIMILE: 601-264-0311
EMAIL: pat@zandllaw.com

Attorney for Defendant Estate of Dustin L. White. Deceased

FILED

JUL 10 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have forwarded, by first class United States Mail, postage pre-paid, a true and correct copy of the above and foregoing Answer to the following:

Robert G. Germany, Esquire
Crymes M. Pittman, Esquire
PITTMAN, GERMANY, ROBERTS & WELSH, LLP
P.O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers, Esquire
Attorney at Law, PLLC
P.O. Box 700
Collins, MS 39428

Troy A. McFarland, Esquire
Attorney at Law
P.O. Box 415
Purvis, MS 39475

Jamie D. Travis, Esquire
Page Kruger & Holland
P.O. Box 1163
Jackson, MS 39215-1163

This the 9th day of July, 2013.



PATRICK H. ZACHARY

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

MOTION FOR ADMISSIONS *PRO HAC VICE*

In accordance with Mississippi Rule of Appellate Procedure 46, Defendant Ford Motor Company moves the Court to admit Jonathan A. Wolfson and Perry W. Miles, IV. The Verified Application and Affidavit of Jonathan A. Wolfson in Support of Motion for Admission *Pro Hac Vice* is attached hereto as Exhibit "A." The Verified Application and Affidavit of Perry W. Miles, IV for Admission *Pro Hac Vice* is attached hereto as Exhibit "B".

In accordance with the requirements of Rule 46(b)(5) of the Mississippi Rules of Appellate Procedure, a copy of each Verified Application and Affidavit in Support of Motion for Admission *Pro Hac Vice* is being simultaneously filed with the Office of the Clerk of the Supreme Court of Mississippi, along with a check in the amount of \$100, and a copy of each Verified Application and Affidavit in Support of Motion for Admission *Pro Hac Vice* is also being sent to the Mississippi Bar, along with a check in the amount of \$400.

THIS the 19th day of July, 2013.

FILED

JUL 22 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

Respectfully submitted,

FORD MOTOR COMPANY

By Its Attorneys,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

By: 
D. STERLING KIDD

OF COUNSEL:

Walker W. Jones, III (MSB No. 3303)

Bradley W. Smith (MSB No. 9834)

D. Sterling Kidd (MSB No. 103670)

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC

MAILING: Post Office Box 14167

Jackson, Mississippi 39236-4167

PHYSICAL: 4268 I-55 North, Meadowbrook Office Park

Jackson, Mississippi 39211-6391

Telephone: (601) 351-2400

Telecopier: (601) 351-2424

CERTIFICATE OF SERVICE

I, D. Sterling Kidd, certify that I have this day served via United States Mail, postage prepaid, a true and correct copy of the foregoing *Motion for Admission Pro Hac Vice* to the following:

Robert G. Germany
Crymes M. Pittman
Pittman, Germany, Roberts & Welsh, LLP
410 South President Street (39201)
P. O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers
Attorney at Law, PLLC
P. O. Box 700
Collins, MS 39428-0700

COUNSEL FOR PLAINTIFF

Jamie D. Travis
PAGE, KRUGER & HOLLAND, P.A.
Post Office Box 1163
Jackson, MS 39215-1163

COUNSEL FOR THE ESTATE OF JASMINE RUSSELL, DECEASED

Patrick H. Zachary
ZACHARY & LEGGETT, PLLC
Post Office Box 15848
Hattiesburg, MS 39404-5848

COUNSEL FOR THE ESTATE OF DUSTIN L. WHITE, DECEASED

This the 19th day of July, 2013.



D. STERLING KIDD

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES MICROPRINTED ENDORSEMENT LINES AND ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

LAW OFFICES

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
A PROFESSIONAL CORPORATION
MEADOWBROOK OFFICE PARK
4268 I-55 NORTH
JACKSON, MISSISSIPPI 39211
GENERAL DISBURSEMENT ACCOUNT

40371

87-434
642

NO.

DATE

07/19/2013

FOUR HUNDRED AND 00/100 DOLLARS

PAY
TO
THE
ORDER
OF

The Mississippi Bar
P.O. Box 2168
Jackson, MS 39225-2168

AMOUNT

\$400.00

FIRST TENNESSEE BANK - GREENVILLE, TN.

[Signature]
AMOUNT IN EXCESS OF \$2500.00 REQUIRES TWO SIGNATURES

VOID AFTER 90 DAYS

⑈040371⑈ ⑆064204347⑆ ⑈47063094⑈



THE REVERSE SIDE OF THIS DOCUMENT INCLUDES MICROPRINTED ENDORSEMENT LINES AND ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
A PROFESSIONAL CORPORATION
MEADOWBROOK OFFICE PARK
4268 I-55 NORTH
JACKSON, MISSISSIPPI 39211
GENERAL DISBURSEMENT ACCOUNT

40369

87-434
642

NO.

DATE

07/19/2013

ONE HUNDRED AND 00/100 DOLLARS

PAY
TO
THE
ORDER
OF

Supreme Court of Mississippi
P.O. Box 0117
Jackson, MS 39205-0117

AMOUNT

\$100.00

FIRST TENNESSEE BANK - GREENVILLE, TN.

[Signature]

AMOUNT IN EXCESS OF \$2500.00 REQUIRES TWO SIGNATURES

VOID AFTER 90 DAYS

⑈040369⑈ ⑆064204347⑆ ⑈47063094⑈



IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

VERIFIED APPLICATION AND AFFIDAVIT OF JONATHAN A. WOLFSON
IN SUPPORT OF MOTION FOR ADMISSION PRO HAC VICE

STATE OF VIRGINIA
CITY OF RICHMOND

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the
aforesaid jurisdiction, the within named Jonathan A. Wolfson, who after being duly sworn, states
under oath as follows:

1. I desire to appear as counsel *pro hac vice* on behalf of Ford Motor Company, in
the First Judicial District for the Circuit Court of Jones County, Mississippi, in the matter styled
*Rakim West, Individually and on behalf of the Wrongful Death Beneficiaries of Adriana
Batimon, Deceased vs. Ford Motor Company, et. al., Cause No. 2012-22-CV9.*

2. My full name is Jonathan A. Wolfson. My residential address is 14404 Birnam
Woods Dr.; Midlothian, VA 23112. My office address and related information is
McGuireWoods LLP, One James Center, 901 East Cary Street, Richmond, Virginia
23219-4030. Telephone Number: Direct Dial: 804-775-1124 Direct Fax: 804-698-2161.
Email address: jwolfson@mcguirewoods.com.

3. I was admitted to practice in the following jurisdictions on the dates indicated:

Virginia, October 2010

EXHIBIT "A"

FILED

JUL 22 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

4. I do not maintain an office within the State of Mississippi.

5. I have not engaged in the general practice of law in the State of Mississippi without being properly admitted and licensed to practice law in the State of Mississippi.

6. I am currently licensed, in good standing, to practice law in the State of Virginia, and am not currently suspended or disbarred in any jurisdiction in which I have been admitted.

7. I have not been the subject of disciplinary action by the bar or courts of any jurisdiction during the preceding five (5) years.

8. I am of good moral character and I am familiar with the ethics, principles, practices, customs and usages of the legal profession in the State of Mississippi.

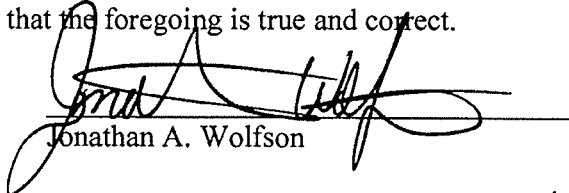
9. I have not appeared pro hac vice within the State of Mississippi within the immediately preceding twelve (12) months as counsel for any party.

10. Unless permitted to withdraw by Order of this Court, I will continue to represent Ford Motor Company in this cause until the final determination of the cause. With reference to all matters incident to this cause, I consent to the jurisdiction of the Courts of the State of Mississippi, of the disciplinary tribunals of the Mississippi Bar, and of the Mississippi Board of Bar Admissions in all respects as if I were a regularly admitted and licensed member of the Mississippi Bar.

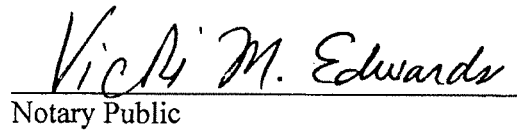
11. I have associated in this case with D. Sterling Kidd (MS Bar #103670) of BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC, 4268 I-55 North, Meadowbrook Office Park, Post Office Box 14167, Jackson, MS 39236, a member in good standing of the Mississippi Bar.

12. I certify that on my behalf, the Mississippi Bar has been paid the sum of \$200.00 and the Clerk of the Mississippi Supreme Court has been paid the docket fee of \$50.00, as required by Mississippi Rule of Appellate Procedure 46.

I declare under penalty of perjury that the foregoing is true and correct.

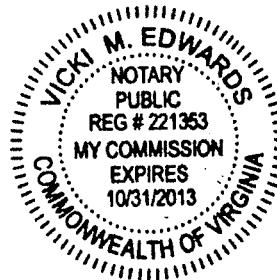

Jonathan A. Wolfson

SWORN TO AND SUBSCRIBED BEFORE ME, this the 18th day of July, 2013.


Notary Public

My Commission Expires:

10/31/13



I, D. Sterling Kidd, certify that I agree to be associated with Jonathan A. Wolfson, in the representation of Ford Motor Company in this cause.



D. STERLING KIDD

SUBMITTED BY:

D. Sterling Kidd (MSB # 103670)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
P. O. Box 14167
Jackson, MS 39236
Telephone: (601) 351-2400
Facsimile: (601) 351-2424
Email: skidd@bakerdonelson.com

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

VERIFIED APPLICATION AND AFFIDAVIT OF PERRY W. MILES IV
IN SUPPORT OF MOTION FOR ADMISSION PRO HAC VICE

STATE OF VIRGINIA
CITY OF RICHMOND

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the
aforesaid jurisdiction, the within named Perry W. Miles IV, who after being duly sworn, states
under oath as follows:

1. I desire to appear as counsel *pro hac vice* on behalf of Ford Motor Company, in
the First Judicial District for the Circuit Court of Jones County, Mississippi, in the matter styled
*Rakim West, Individually and on behalf of the Wrongful Death Beneficiaries of Adriana
Batimon, Deceased, vs. Ford Motor Company, et. al.*, Cause No. 2012-22-CV9.

2. My full name is Perry W. Miles IV. My residential address is 3207 Noble
Avenue, Richmond, VA 23222. My office address and related information is McGuire Woods
LLP, One James Center, 901 East Cary Street, Richmond, Virginia 23219-4030. Telephone
Number: Direct Dial: 804-775-1039; Fax: 804-698-2122. Email address:
pmiles@mcguirewoods.com.

EXHIBIT B

FILED

JUL 22 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

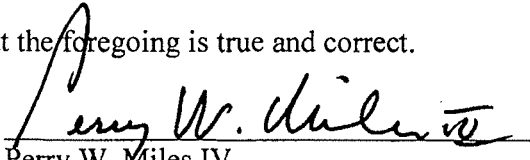
3. I was admitted to practice in the following jurisdictions on the dates indicated:
 - (a) Virginia Courts since 1998 (VA Bar #: 43031)
 - (b) U.S. Supreme Court since 1999
 - (c) U.S. District Court for the Eastern District of Virginia since 2000
 - (d) U.S. District Court for the Western District of Virginia since 2000; and
 - (e) U.S. Court of Appeals for the Fourth Circuit since 2003
4. I do not maintain an office within the State of Mississippi.
5. I have not engaged in the general practice of law in the State of Mississippi without being properly admitted and licensed to practice law in the State of Mississippi.
6. I am currently licensed, in good standing, to practice law in the State of Virginia, and am not currently suspended or disbarred in any jurisdiction in which I have been admitted.
7. I have not been the subject of disciplinary action by the bar or courts of any jurisdiction during the preceding five (5) years.
8. I am of good moral character and I am familiar with the ethics, principles, practices, customs and usages of the legal profession in the State of Mississippi.
9. I have not appeared pro hac vice within the State of Mississippi within the immediately preceding twelve (12) months as counsel for any party.
10. Unless permitted to withdraw by Order of this Court, I will continue to represent Ford Motor Company in this cause until the final determination of the cause. With reference to all matters incident to this cause, I consent to the jurisdiction of the Courts of the State of

Mississippi, of the disciplinary tribunals of the Mississippi Bar, and of the Mississippi Board of Bar Admissions in all respects as if I were a regularly admitted and licensed member of the Mississippi Bar.

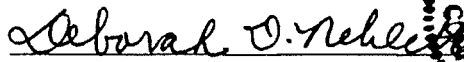
11. I have associated in this case with D. Sterling Kidd (MS Bar #103670) of BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC, 4268 I-55 North, Meadowbrook Office Park, Post Office Box 14167, Jackson, MS 39236, a member in good standing of the Mississippi Bar.

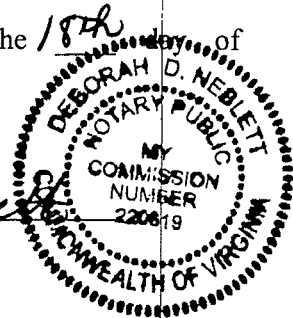
12. I certify that on my behalf, the Mississippi Bar has been paid the sum of \$200.00 and the Clerk of the Mississippi Supreme Court has been paid the docket fee of \$50.00, as required by Mississippi Rule of Appellate Procedure 46.

I declare under penalty of perjury that the foregoing is true and correct.


Perry W. Miles IV

SWORN TO AND SUBSCRIBED BEFORE ME, this the 18th day of July, 2013.


Notary Public



My Commission Expires:

6/30/16

I, D. Sterling Kidd, certify that I agree to be associated with Perry W. Miles IV, in the representation of Ford Motor Company in this cause.



D. STERLING KIDD

SUBMITTED BY:

D. Sterling Kidd (MSB # 103670)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ
P. O. Box 14167
Jackson, MS 39236
Telephone: (601) 351-2400
Facsimile: (601) 351-2424
Email: skidd@bakerdonelson.com

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

MOTION TO COMPEL

Ford Motor Company, pursuant to Rule 37 of the Mississippi Rules of Civil Procedure, moves the Court for an order compelling the Plaintiff to respond to its First Requests for Production of Documents and First Set of Interrogatories. In support of this Motion, Ford states the following:

1. On June 6, 2013, Ford propounded its First Requests for Production of Documents and First Set of Interrogatories ("Ford's first discovery requests") on the Plaintiff via U.S. Mail. *See* Notice of Service, Exhibit "A". On June 20, 2013, Ford propounded its Second Requests for Production of Documents and Second Set of Interrogatories ("Ford's second discovery requests") on the Plaintiff via U.S. Mail. *See* Notice of Service, Exhibit "B".

2. Under the Mississippi Rules of Civil Procedure, the Plaintiff's responses to Ford's first discovery requests were due on or before July 9, 2013, and his responses to Ford's second discovery requests were due on or before July 23, 2013. No such responses were provided.

FILED

JUL 25 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

3. In a good faith effort to avoid the Court's involvement in this discovery dispute, the undersigned counsel for Ford sent Plaintiff's counsel a good faith letter on July 11, 2013. *See* to Crymes Pittman, attached as Exhibit "C".

4. When Plaintiff's counsel did not respond to the good faith letter, another attorney for Ford sent Plaintiff's counsel a follow-up e-mail on July 17, 2013. *See* Exhibit "D."

5. In response to the July 17, 2013 e-mail, Plaintiff's counsel asserted that he plans to file a motion to withdraw. To date, that motion has not been filed.¹

6. Irrespective of whether Plaintiff's counsel intends to withdraw, Ford is entitled to a timely response to its discovery requests.

7. On the date of its filing this motion, Ford has not received any response – timely or untimely – to its discovery requests.

8. One of the preeminent issues in this case is the custody of the Ford vehicles involved in the accident.

9. That issue is addressed in Ford's first discovery requests. *See* Exhibit "E", Ford Motor Company's Interrogatory Nos. 6, 7, 8 and 9 and Document Request No. 7 to Plaintiff. Ford also sent a preservation letter, along with a proposed joint preservation motion and order, to Plaintiff's counsel. Plaintiff's counsel has not responded to that correspondence, either.²

¹ At the time of these communications, responses to Ford's second discovery requests were not yet due, but they are now *overdue*. In the light of Plaintiff's counsel stated intention to withdraw, however, Ford has not made further efforts to confer with Plaintiff's counsel regarding these requests.

² Upon information and belief – and further based upon the motions submitted to this Court by Ford's co-defendants – at least some member(s) of Adriana Batimon's family was previously represented by Thandy Wade. In that role, Mr. Wade took custody of the vehicle. As a result, Ford sent Mr. Wade a preservation letter on July 2, 2013. That letter, like all the others, has been ignored.

10. Plaintiff's counsel has previously stated that he does not know where the vehicles are being held. Thus, he does not know, *e.g.*, whether the vehicles are covered, or whether the relevant components are being preserved.

11. For all of the reasons stated, Ford respectfully requests the Court to compel the Plaintiff to serve full and complete responses, without objection, to Ford's discovery requests within thirty days of the Court's order. Further, Ford requests that the Plaintiff be compelled to permit Ford to inspect the vehicles involved in the accident within a reasonable time, as determined during a hearing on this motion.

12. Pursuant to Rule 4.04(c) of the Uniform Circuit and County Court Rules, and as described herein, counsel for Ford certifies that he has made a reasonable effort to reach agreement with Plaintiff's counsel, but has been unable to do so.

WHEREFORE, Ford Motor Company requests an order compelling the Plaintiff to serve full and complete responses, without objection, to its First and Second Requests for Production of Documents and First and Second Set of Interrogatories, and to provide a reasonable date for Ford to inspect the subject vehicles.

This 24th day of July, 2013.

Respectfully submitted,

FORD MOTOR COMPANY

By Its Attorneys,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

By: 
D. STERLING KIDD

OF COUNSEL:

Walker W. Jones, III (MSB No. 3303)

Bradley W. Smith (MSB No. 9834)

D. Sterling Kidd (MSB No. 103670)

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC

MAILING: Post Office Box 14167

Jackson, Mississippi 39236-4167

PHYSICAL: 4268 I-55 North, Meadowbrook Office Park

Jackson, Mississippi 39211-6391

Telephone: (601) 351-2400

Telecopier: (601) 351-2424

CERTIFICATE OF SERVICE

I, D. Sterling Kidd, certify that I have this day served via United States Mail, postage prepaid, a true and correct copy of the foregoing *Motion to Compel* to the following:

Robert G. Germany
Crymes M. Pittman
Pittman, Germany, Roberts & Welsh, LLP
410 South President Street (39201)
P. O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers
Attorney at Law, PLLC
P. O. Box 700
Collins, MS 39428-0700

COUNSEL FOR PLAINTIFF

Jamie D. Travis
PAGE, KRUGER & HOLLAND, P.A.
Post Office Box 1163
Jackson, MS 39215-1163

COUNSEL FOR THE ESTATE OF JASMINE RUSSELL, DECEASED

Patrick H. Zachary
ZACHARY & LEGGETT, PLLC
Post Office Box 15848
Hattiesburg, MS 39404-5848

COUNSEL FOR THE ESTATE OF DUSTIN L. WHITE, DECEASED

This the 24th day of July, 2013.



D. STERLING KIDD

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

NOTICE OF SERVICE

PLEASE TAKE NOTICE that Defendant Ford Motor Company on this date served the following documents upon counsel for Plaintiff:

1. Defendant Ford Motor Company's First Set of Interrogatories Propounded to Plaintiff; and
2. Defendant Ford Motor Company's First Set of Requests for Production of Documents Propounded to Plaintiff

FURTHER NOTICE is hereby given that the original of each of these documents is being retained by counsel for Defendant Ford Motor Company.

THIS the 6th day of June, 2013.

FILED


JUL 25 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

Respectfully submitted,

FORD MOTOR COMPANY

By Its Attorneys,
BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ, PC

By: 
D. STERLING KIDD
skidd@bakerdonelson.com

Walker W. Jones, III (MSB No. 3303)
Barry W. Ford (MSB No. 5403)
Brad W. Smith (MSB No. 9834)
D. Sterling Kidd (MSB No. 103670)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
MAILING: Post Office Box 14167
Jackson, Mississippi 39236-4167
PHYSICAL: 4268 I-55 North, Meadowbrook Office Park
Jackson, Mississippi 39211-6391
Telephone: (601) 351-2400
Telecopier: (601) 351-2424

CERTIFICATE OF SERVICE

I certify that I have this day forwarded via U.S. Mail, postage prepaid, a true and correct copy of the foregoing *Notice of Service* to the following:

Robert G. Germany
Crymes M. Pittman
Pittman, Germany, Roberts & Welsh, LLP
410 South President Street (39201)
P. O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers
Attorney at Law, PLLC
P. O. Box 700
Collins, MS 39428-0700

COUNSEL FOR PLAINTIFF

THIS the 6th day of June, 2013.



D. Sterling Kidd

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

NOTICE OF SERVICE

PLEASE TAKE NOTICE that Defendant Ford Motor Company on this date served the following documents upon counsel for Plaintiff:

1. Defendant Ford Motor Company's Second Set of Interrogatories Propounded to Plaintiff; and
2. Defendant Ford Motor Company's Second Set of Requests for Production of Documents Propounded to Plaintiff

FURTHER NOTICE is hereby given that the original of each of these documents is being retained by counsel for Defendant Ford Motor Company.

THIS the 20th day of June, 2013.

FILED

JUL 25 2013

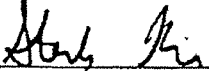
BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

Respectfully submitted,

FORD MOTOR COMPANY

By Its Attorneys,
BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ, PC

By: _____


D. STERLING KIDD
skidd@bakerdonelson.com

Walker W. Jones, III (MSB No. 3303)
Barry W. Ford (MSB No. 5403)
Brad W. Smith (MSB No. 9834)
D. Sterling Kidd (MSB No. 103670)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
MAILING: Post Office Box 14167
Jackson, Mississippi 39236-4167
PHYSICAL: 4268 I-55 North, Meadowbrook Office Park
Jackson, Mississippi 39211-6391
Telephone: (601) 351-2400
Telecopier: (601) 351-2424

CERTIFICATE OF SERVICE

I certify that I have this day forwarded via U.S. Mail, postage prepaid, a true and correct copy of the foregoing *Notice of Service* to the following:

Robert G. Germany
Crymes M. Pittman
Pittman, Germany, Roberts & Welsh, LLP
410 South President Street (39201)
P. O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers
Attorney at Law, PLLC
P. O. Box 700
Collins, MS 39428-0700

COUNSEL FOR PLAINTIFF

THIS the 20th day of June, 2013.



D. Sterling Kidd

BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC

MEADOWBROOK OFFICE PARK
4268 I-55 NORTH
JACKSON, MISSISSIPPI 39211

PHONE: 601.351.2400
FAX: 601.351.2424

www.bakerdonelson.com

D. STERLING KIDD
Direct Dial: 601.351.8952
Direct Fax: 601.974.8952
E-Mail Address: skidd@bakerdonelson.com

July 11, 2013

Crymes M. Pittman, Jr., Esq.
Pittman, Germany, Roberts & Welsh, LLP
P. O. Box 22985
Jackson, MS 39225-2985

Re: Rakim West, et al. v. Ford Motor Company, et al.
Civil Action No. 2012-22-CV9

Dear Crymes:

Your client's interrogatory responses and responses to our document requests were due today. Please consider this letter our good faith effort to resolve your client's failure to provide those responses. Please provide responses, without raising any objection, by July 21. If we do not receive responses by that date, we will be forced to file a motion to compel and we will set it for hearing at the court's earliest available date.

While we are interested in receiving responses to all of our discovery requests, we are particularly interested, as you may imagine, in inspecting the vehicles. Please provide several dates within the next two months on which our experts may inspect those vehicles.

We look forward to hearing from you and to your anticipated cooperation.

Sincerely,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC


D. Sterling Kidd

DSK/mlf

cc: Bradley W. Smith

JM DSK01 1210221 v1
2824774-000673 07/11/2013

EXHIBIT C

Kidd, Sterling

From: Smith, Brad
Sent: Friday, July 19, 2013 3:00 PM
To: Crymes M. Pittman (cmp@pgrwlaw.com)
Cc: Kidd, Sterling
Subject: West v Ford case

Crymes,

Call me when you can. Ford is hounding me to inspect both trucks and I told them that I still have not heard back from you on inspection dates. Trying to avoid motion to compel for inspection

Brad

Bradley W. Smith

Shareholder
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
Meadowbrook Office Park
4268 I-55 North
Jackson, MS 39211
Direct: 601.351.2432
Fax: 601.592.2432
E-mail: bsmith@bakerdonelson.com
www.bakerdonelson.com

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC represents clients across the U.S. and abroad from offices in Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee, Texas and Washington, D.C.

EXHIBIT D

**IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI**

**RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED**

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

**FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED**

DEFENDANTS

**DEFENDANT FORD MOTOR COMPANY'S FIRST SET
OF INTERROGATORIES PROPOUNDED TO PLAINTIFF**

Pursuant to Mississippi Rules of Civil Procedure 26 and 33, Defendant Ford Motor Company ("Ford") Propounds its First Set of Interrogatories to Rakim West ("West") and requests that West respond in writing and under oath, within thirty (30) days after service upon him, to the following Interrogatories:

INSTRUCTIONS

1. Each Interrogatory is to be responded to pursuant to the instructions and definitions contained herein.
2. Each Interrogatory is to be set forth immediately above the response or objection to the Interrogatory.
3. If you claim privilege as a ground for not responding completely to an Interrogatory or otherwise object to an Interrogatory, describe the factual basis for your claim of privilege or other objection in sufficient detail to permit the Court to adjudicate the validity of the claim or objection.

address of the persons and employers of such persons who recorded such statements, the time and place the statements were made, the names and addresses of the persons having custody of such statements, the manner in which the statements were recorded, and the substance of the information that you provided.

INTERROGATORY NO. 5: If Ford or any of its agents or representatives at any time made any statements to you or anyone known to you concerning the subject vehicles or the subject accident, state to whom each statement was made, the substance of each statement, the date when the statements were made, and the names and addresses of all persons who heard the statements.

INTERROGATORY NO. 6: State the date the subject vehicles were purchased, the name and address of the person or entity from whom the vehicles were purchased, the name of the person who purchased the vehicles, the persons present when they were purchased, the mileage on the vehicles on the date purchased, and the mileage on the vehicles on the date of the subject accident.

INTERROGATORY NO. 7: Identify every person or entity that has had possession, custody, or control of the subject vehicles, or any component parts thereof, from the date of the subject accident to the present. For each such person or entity, state the period during which the subject vehicles were in his or its possession, custody, or control; the location where the subject vehicles were stored; and the purpose for which the subject vehicles were in his or its possession, custody, or control.

INTERROGATORY NO. 8: State whether any changes, adjustments, modifications, maintenance work, or repairs have been made to the subject vehicles at any time from its manufacture to the present period. If so, describe each change, adjustment, modification,

maintenance item, or repair, including in your description the identity of the person or facility that made the change or repair, the date the change or repair was made, and the reason therefor.

INTERROGATORY NO. 9: If any parts of the subject vehicles have been removed or disassembled, state the purpose of such act, the name and address of the persons performing such act, and the date(s) of such act.

INTERROGATORY NO. 10: Identify each insurance company that had in force at any time any insurance policy covering you or the subject vehicles and state the policy number for each such policy and the amount of insurance proceeds paid to you as a result of the subject accident.

INTERROGATORY NO. 11: Describe in detail the nature of each alleged defect in the subject vehicles and how each alleged defect allegedly contributed to the subject accident or your alleged injuries. Your description should (a) identify whether each alleged defect is a manufacturing defect, design defect, or warnings defect; (b) identify the proposed feasible design alternative for any alleged design defect, including the per-vehicle cost of the alternative design; (c) identify by name, last known address, and telephone number, each person upon whom you rely for these allegations; and (d) identify and describe all documents and tangible things on which you rely for these allegations.

INTERROGATORY NO. 12: Specifically identify all vehicles that you allege are (1) peer vehicles to the subject vehicles, and (2) that you claim contain the feasible alternative design identified in Response to Interrogatory Number 11.

INTERROGATORY NO. 13: Identify each document that you contend supports your claims, including, but not limited to, your claim for punitive damages.

**IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI**

**RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED**

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

**FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED**

DEFENDANTS

**DEFENDANT FORD MOTOR COMPANY'S
FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS PROPOUNDED TO PLAINTIFF**

Pursuant to Mississippi Rules of Civil Procedure 26 and 34, Defendant Ford Motor Company ("Ford") Requests that Plaintiff Rakim West produce for inspection, examination, copying, and photographing at the offices of Baker, Donelson, Bearman, Caldwell & Berkowitz, 4268 I-55 North, Meadowbrook Office Park, Jackson, Mississippi, within thirty (30) days, each and all of the following described documents and things:

INSTRUCTIONS

1. Each Request is to be responded to pursuant to the instructions and definitions contained herein. The document requests seek the production of the original and all non-identical copies of the specified documents.
2. Each Request is to be set forth immediately above the answer or objection to the Request.
3. The Request to which the documents produced are responsive shall be designated.

the accident, or the subject vehicles, including any fire, police, or ambulance reports and any statements provided in connection therewith.

REQUEST FOR PRODUCTION NO. 3: All photographs or videotapes, whether stored on social media or elsewhere, taken by you or on your behalf in connection with this action, including, but not limited to, photographs showing any injuries suffered by Adriana Batimon.

REQUEST FOR PRODUCTION NO. 4: All correspondence or other documents relating to the identity or addresses of any witnesses to the subject accident.

REQUEST FOR PRODUCTION NO. 5: All written or recorded statements, including social media, (other than communications with counsel) regarding any of the events described in the Complaint, including but not limited to pre-accident and post-accident discussion any of the injuries you allege anyone sustained during the incident in question, and further including but not limited to any statements attributing fault to anyone for the subject accident.

REQUEST FOR PRODUCTION NO. 6: All statements of any witnesses to the subject accident, including those obtained via, reflected in, or otherwise made on social media, including but not limited to any statements attributing fault for the subject accident.

REQUEST FOR PRODUCTION NO. 7: Please make available for inspection the subject vehicles and any component part that has been removed since the subject accident.

REQUEST FOR PRODUCTION NO. 8: All business records or other documents relating to the purchase, inspection, repair or replacement of any part or component of the subject vehicles.

REQUEST FOR PRODUCTION NO. 9: All repair bills, estimates, invoices, and other documents which reflect in any way repairs or modifications, or proposed repairs or modifications, to the subject vehicles.

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

NOTICE OF HEARING

PLEASE TAKE NOTICE that Defendant Ford Motor Company will bring its Motion to Compel on for hearing before the Honorable Billy Joe Landrum at the Jones County Courthouse, 415 N. Fifth Ave., Laurel, MS, 39440, on Monday, August 19, 2013, at 10:00 a.m., or as soon thereafter as counsel may be heard.

This the 31st day of July, 2013.

Respectfully submitted,

FORD MOTOR COMPANY

By Its Attorneys,
BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ, PC

By: 

D. STERLING KIDD
skidd@bakerdonelson.com

FILED

AUG 01 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

Walker W. Jones, III (MSB No. 3303)
Barry W. Ford (MSB No. 5403)
Brad W. Smith (MSB No. 9834)
D. Sterling Kidd (MSB No. 103670)
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
MAILING: Post Office Box 14167
Jackson, Mississippi 39236-4167
PHYSICAL: 4268 I-55 North, Meadowbrook Office Park
Jackson, Mississippi 39211-6391
Telephone: (601) 351-2400
Telecopier: (601) 351-2424

CERTIFICATE OF SERVICE

I certify that I have this day forwarded via U.S. Mail, postage prepaid, a true and correct copy of the foregoing Notice of Hearing to the following:

Robert G. Germany
Crymes M. Pittman
Pittman, Germany, Roberts & Welsh, LLP
410 South President Street (39201)
P. O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers
Attorney at Law, PLLC
P. O. Box 700
Collins, MS 39428-0700

COUNSEL FOR PLAINTIFF

Jamie D. Travis
PAGE, KRUGER & HOLLAND, P.A.
Post Office Box 1163
Jackson, MS 39215-1163

COUNSEL FOR THE ESTATE OF JASMINE RUSSELL, DECEASED

Patrick H. Zachary
ZACHARY & LEGGETT, PLLC
Post Office Box 15848
Hattiesburg, MS 39404-5848

COUNSEL FOR THE ESTATE OF DUSTIN L. WHITE, DECEASED

This the 31st day of July, 2013.



D. Sterling Kidd

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED
And THE ESTATE OF JASMINE RUSSELL,
DECEASED

DEFENDANTS

NOTICE OF HEARING

TO: Robert G. Germany, Esquire
Crymes M. Pittman, Esquire
PITTMAN, GERMANY, ROBERTS & WELSH, LLP
P.O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers, Esquire
Attorney at Law, PLLC
P.O. Box 700
Collins, MS 39428

Patrick H. Zachary
Zachary & Leggett, PLLC
P. O. Box 15848
Hattiesburg, MS 39404-5848

Please take notice that Defendant, the Estate of Jasmine Russell's Motion to Dismiss will be brought on for hearing before the Honorable Billy Joe Landrum on Monday, August 19, 2013 at 10:00 a.m., or as soon as counsel may be heard, at the Jones County Courthouse in Laurel, Mississippi.

RESPECTFULLY SUBMITTED this the 1st day of August, 2013.

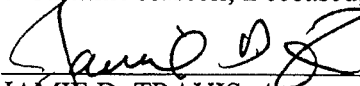
FILED

AUG 02 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

LENORA RUSSELL, Administrator of the Estate
of Jasmine Russell, Deceased, Defendant

BY:


JAMIE D. TRAVIS, Attorney for the Estate of
Jasmine Russell, Deceased

OF COUNSEL:

JAMIE D. TRAVIS – BAR NO. 99692
PAGE, KRUGER & HOLLAND, P.A.
10 Canebrake Boulevard, Suite 200
Jackson, Mississippi 39232-2212
(Mailing Address)
Post Office Box 1163
Jackson, Mississippi 39215-1163
Phone: (601) 420-0333
Facsimile: (601) 420-0033

CERTIFICATE OF SERVICE

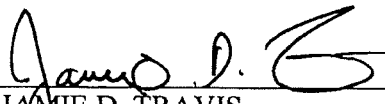
I, Jamie D. Travis, attorney for The Estate of Jasmine Russell, do hereby certify that I have this day mailed, via U. S. Mail, postage prepaid, a true and correct copy of the above and foregoing document to the following:

Robert G. Germany, Esquire
Crymes M. Pittman, Esquire
PITTMAN, GERMANY, ROBERTS & WELSH, LLP
P.O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers, Esquire
Attorney at Law, PLLC
P.O. Box 700
Collins, MS 39428

Patrick H. Zachary
Zachary & Leggett, PLLC
P. O. Box 15848
Hattiesburg, MS 39404-5848

THIS, the 1st day of August, 2013.


JAMIE D. TRAVIS

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA BATIMON,
DECEASED

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE, DECEASED,
and THE ESTATE OF JASMINE RUSSELL, DECEASED

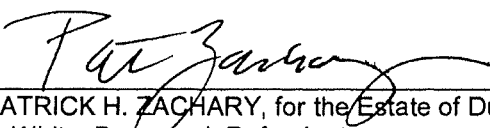
DEFENDANTS

RE-NOTICE OF HEARING

COMES NOW, defendant, the Estate of Dustin L. White, deceased and submits this notice of hearing. Accordingly, defendant the Estate of Dustin L. White, deceased hereby notices for hearing its Motion to Dismiss for Monday, August 19, 2013, at 9:00 a.m., in the Jones County Courthouse, Second Judicial District, Laurel, Mississippi, before Honorable Billy Joe Landrum.

Respectfully submitted on this, the 1st day of August, 2013.

BY:


PATRICK H. ZACHARY, for the Estate of Dustin
L. White, Deceased, Defendant

PATRICK H. ZACHARY (MSB #6674)
ZACHARY & LEGGETT, PLLC
211 SOUTH 29TH AVENUE
POST OFFICE BOX 15848
HATTIESBURG, MISSISSIPPI 39404-5848
TELEPHONE: 601-264-0300
FACSIMILE: 601-264-0311
EMAIL: pat@zandlaw.com

Attorney for Defendant Estate of Dustin L. White. Deceased

FILED

AUG 02 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have forwarded, by first class United States Mail, postage pre-paid, a true and correct copy of the above and foregoing Answer to the following:

Robert G. Germany, Esquire
Crymes M. Pittman, Esquire
PITTMAN, GERMANY, ROBERTS & WELSH, LLP
P.O. Box 22985
Jackson, MS 39225-2985

Oby Thomas Rogers, Esquire
Attorney at Law, PLLC
P.O. Box 700
Collins, MS 39428

Jamie D. Travis, Esquire
Page, Kruger & Holland
Post Office Box 1163
Jackson, MS 39215-1163

Troy A. McFarland, Esquire
Attorney at Law
Post Office Box 415
Purvis, MS 39475

Thandi Wade, Esquire
Tatum & Wade, PLLC
Post Office Box 22688
Jackson, MS 39225-2688

This the 15th day of August, 2013.



PATRICK H. ZACHARY

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk

Kathy Gillis
Post Office Box 249
Jackson, Mississippi 39205-0249
Telephone: (601) 359-3694
Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082
e-mail: sctclerk@mssc.state.ms.us

July 23, 2013

RE: Perry W. Miles IV
Rakim West v. Ford Motor Company
SC #: 2013-AC-01222; Trial Court #: 2012-22-CV9
Jones County Circuit Court District 1

CLERK'S PRO HAC VICE STATEMENT

Attached hereto is a record indicating all causes or other matters which have been reported to the Office of the Clerk of the Supreme Court in which the specified foreign attorney previously requested to appear as counsel pro hac vice and the date and disposition of each request.

Pursuant to Mississippi Rules of Appellate Procedure, Rule 46 (b) (7) provides that upon entry of an order by the trial court judge it is the responsibility of the foreign attorney to provide this office with a copy of the order.

Effective May 27, 2004, by order of the Court, M.R.A.P. 46 (b)(5) was amended to place the responsibility of obtaining, filing and serving the statement of the Clerk of the Supreme Court upon the foreign attorney seeking leave to appear pro hac vice. The foreign attorney shall file a copy of the Statement and Pro Hac Vice Report on the trial court clerk, the trial court judge, local counsel and attorneys of record. The Clerk of the Supreme Court will provide one copy to the foreign attorney.


CLERK

FILED

AUG 05 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

Pro Hac Vice Report

Date Run: 07/23/2013

Tracking #990496 Name: Perry W. Miles IV

Cases Attached To:

2013-AC-01222 Jones County Circuit Court District 1 Billy Joe Landrum

Rakim West v. Ford Motor Company

Local Atty: D. Sterling Kidd

Application Filed: 07/19/2013 Clerk's Notice Issued: 07/23/2013

Delinquency Issued:

Trial Court Order Recvd:

Total: 1

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk

Kathy Gillis
Post Office Box 249
Jackson, Mississippi 39205-0249
Telephone: (601) 359-3694
Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082
e-mail: sctclerk@mssc.state.ms.us

July 23, 2013

RE: Jonathan A. Wolfson
Rakim West v. Ford Motor Company
SC #: 2013-AC-01222; Trial Court #: 2012-22-CV9
Jones County Circuit Court District 1

CLERK'S PRO HAC VICE STATEMENT

Attached hereto is a record indicating all causes or other matters which have been reported to the Office of the Clerk of the Supreme Court in which the specified foreign attorney previously requested to appear as counsel pro hac vice and the date and disposition of each request.

Pursuant to Mississippi Rules of Appellate Procedure, Rule 46 (b) (7) provides that upon entry of an order by the trial court judge it is the responsibility of the foreign attorney to provide this office with a copy of the order.

Effective May 27, 2004, by order of the Court, M.R.A.P. 46 (b)(5) was amended to place the responsibility of obtaining, filing and serving the statement of the Clerk of the Supreme Court upon the foreign attorney seeking leave to appear pro hac vice. **The foreign attorney shall file a copy of the Statement and Pro Hac Vice Report on the trial court clerk, the trial court judge, local counsel and attorneys of record.** The Clerk of the Supreme Court will provide one copy to the foreign attorney.


CLERK

FILED

AUG 05 2013

**BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS**

Pro Hac Vice Report

Date Run: 07/23/2013

Tracking #993992

Name: Jonathan A. Wolfson

Cases Attached To:

2013-AC-01222

Jones County Circuit Court District 1

Billy Joe Landrum

Rakim West v. Ford Motor Company

Local Atty: D. Sterling Kidd

Application Filed: 07/19/2013

Clerk's Notice Issued: 07/23/2013

Delinquency Issued:

Trial Court Order Recvd:

Total: 1

MIN BK 44 PG 509 - 08/07/2013 11:00 AM
Bart Gavin, Circuit Clerk, Jones County, Mississippi

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

ORDER ADMITTING COUNSEL *PRO HAC VICE*

THIS MATTER is before the Court on the Motion of Defendant, Ford Motor Company for Admission *Pro Hac Vice* of Jonathan A. Wolfson, and the Court, having considered the Motion and being fully advised of the premises therein, finds that the Motion is well taken and should be granted.

It is, therefore, ORDERED that Jonathan A. Wolfson, of the law firm McGuireWoods LLP, be admitted *pro hac vice* in the above-entitled action as additional counsel for Defendant, Ford Motor Company.

SO ORDERED, this the 5th day of August, 2013.



HONORABLE BILLY JOE LANDRUM
CIRCUIT COURT JUDGE

FILED

AUG 06 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

SUBMITTED BY:

Walker W. Jones, III (MSB No. 3303)
Bradley W. Smith (MSB No. 9834)
D. Sterling Kidd (MSB No. 103670)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
4268 I-55 North
Meadowbrook Office Park
Jackson, MS 39211
Telephone: (601) 351-2440
Facsimile: (601) 592-2440

MIN BK 44 Pg 511 - 08/07/2013 11:05 AM
Bart Gavin, Circuit Clerk, Jones County, Mississippi

IN THE FIRST JUDICIAL DISTRICT OF THE CIRCUIT COURT
OF JONES COUNTY, MISSISSIPPI

RAKIM WEST, INDIVIDUALLY AND ON
BEHALF OF THE WRONGFUL DEATH
BENEFICIARIES OF ADRIANA
BATIMON, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2012-22-CV9

FORD MOTOR COMPANY, THE
ESTATE OF DUSTIN L. WHITE,
DECEASED, AND THE ESTATE OF
JASMINE RUSSELL, DECEASED

DEFENDANTS

ORDER ADMITTING COUNSEL *PRO HAC VICE*

THIS MATTER is before the Court on the Motion of Defendant, Ford Motor Company for Admission *Pro Hac Vice* of Perry W. Miles, IV, and the Court, having considered the Motion and being fully advised of the premises therein, finds that the Motion is well taken and should be granted.

It is, therefore, ORDERED that Perry W. Miles, IV, of the law firm McGuireWoods LLP, be admitted *pro hac vice* in the above-entitled action as additional counsel for Defendant, Ford Motor Company.

SO ORDERED, this the 5th day of August, 2013.


HONORABLE BILLY JOE LANDRUM
CIRCUIT COURT JUDGE

FILED

AUG 06 2013

BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

SUBMITTED BY:

Walker W. Jones, III (MSB No. 3303)
Bradley W. Smith (MSB No. 9834)
D. Sterling Kidd (MSB No. 103670)
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
4268 I-55 North
Meadowbrook Office Park
Jackson, MS 39211
Telephone: (601) 351-2440
Facsimile: (601) 592-2440

MIN 44 512